

"Recent Economic Developments: Looking Ahead to Stronger Growth," June 3, 2003. Gives an overview of the U.S. economy, including a review of key economic data released in May.

Other recent JEC publications include:

"Medicare Beneficiaries' Links to Drug Coverage."

"A Primer on Deflation."

"Economics of the Debt Limit."

"Dividend Tax Relief and Capped Exclusions."

"How the Top Individual Income Tax Rate Affects Small Businesses."

S. 1384

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Freeing Alternatives for Speedy Transportation Act" or the "FAST Act".

#### SEC. 2. INTERSTATE SYSTEM.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

##### "§ 165. FAST fees

"(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System FAST Lanes program under which the Secretary, notwithstanding sections 129 and 301, shall permit a State, or a public or private entity designated by a State, to collect fees to finance the expansion of a highway, for the purpose of reducing traffic congestion, by constructing 1 or more additional lanes (including bridge, support, and other structures necessary for that construction) on the Interstate System.

"(b) ELIGIBILITY.—To be eligible to participate in the program, a State shall submit to the Secretary for approval an application that contains—

"(1) an identification of the additional lanes (including any necessary bridge, support, and other structures) to be constructed on the Interstate System under the program;

"(2) in the case of 1 or more additional lanes that affect a metropolitan area, an assurance that the metropolitan planning organization established under section 134 for the area has been consulted during the planning process concerning the placement and amount of fees on the additional lanes; and

"(3) a facility management plan that includes—

"(A) a plan for implementing the imposition of fees on the additional lanes;

"(B) a schedule and finance plan for construction, operation, and maintenance of the additional lanes using revenues from fees (and, as necessary to supplement those revenues, revenues from other sources); and

"(C) a description of the public or private entities that will be responsible for implementation and administration of the program.

"(c) REQUIREMENTS.—The Secretary shall approve the application of a State for participation in the program after the Secretary determines that, in addition to meeting the requirements of subsection (b), the State has entered into an agreement with the Secretary that provides that—

"(1) fees collected from motorists using a FAST lane shall be collected only through the use of noncash electronic technology;

"(2) all revenues from fees received from operation of FAST lanes shall be used only for—

"(A) debt service relating to the investment in FAST lanes;

"(B) reasonable return on investment of any private entity financing the project, as determined by the State;

"(C) any costs necessary for the improvement, and proper operation and maintenance (including reconstruction, resurfacing, restoration, and rehabilitation), of FAST lanes and existing lanes, if the improvement—

"(i) is necessary to integrate existing lanes with the FAST lanes;

"(ii) is necessary for the construction of an interchange (including an on- or off-ramp) from the FAST lane to connect the FAST lane to—

"(I) an existing FAST lane;

"(II) the Interstate System; or

"(III) a highway; and

"(iii) is carried out before the date on which fees for use of FAST lanes cease to be collected in accordance with paragraph (6); or

"(D) the establishment by the State of a reserve account to be used only for long-term maintenance and operation of the FAST lanes;

"(3) fees may be collected only on and for the use of FAST lanes, and may not be collected on or for the use of existing lanes;

"(4) use of FAST lanes shall be voluntary;

"(5) revenues from fees received from operation of FAST lanes may not be used for any other project (except for establishment of a reserve account described in paragraph (2)(D) or as otherwise provided in this section);

"(6) on completion of the project, and on completion of the use of fees to satisfy the requirements for use of revenue described in paragraph (2), no additional fees shall be collected; and

"(7)(A) to ensure compliance with paragraphs (1) through (5), annual audits shall be conducted for each year during which fees are collected on FAST lanes; and

"(B) the results of each audit shall be submitted to the Secretary.

"(d) APPORTIONMENT.—

"(1) IN GENERAL.—Revenues collected from FAST lanes shall not be taken into account in determining the apportionments and allocations that any State or transportation district within a State shall be entitled to receive under or in accordance with this chapter.

"(2) NO EFFECT ON STATE EXPENDITURE OF FUNDS.—Nothing in this section affects the expenditure by any State of funds apportioned under this chapter."

(b) CONFORMING AMENDMENT.—

(1) The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 164 the following:

"165. FAST fees."

(2) Section 301 of title 23, United States Code, is amended by inserting after "tunnels," the following: "and except as provided in section 165."

#### SEC. 3. TOLL FEASIBILITY.

Section 106 of title 23, United States Code, is amended by adding at the end the following:

"(i) TOLL FEASIBILITY.—The Secretary shall select and conduct a study on a project under this title that is intended to increase capacity, and that has an estimated total cost of at least \$50,000,000, to determine whether—

"(1) a toll facility for the project is feasible; and

"(2) privatizing the construction, operation, and maintenance of the toll facility is financially advisable (while retaining legal and administrative control of the portion of the applicable Interstate route)."

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1136. Mr. LUGAR proposed an amendment to the bill S. 925, to authorize appro-

priations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

SA 1137. Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1138. Mr. BROWNBACK proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1139. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1140. Mr. BINGAMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 1141. Mrs. BOXER (for herself, Mr. CHAFEE, Ms. MIKULSKI, Mrs. MURRAY, Ms. SNOWE, Mr. BIDEN, Mrs. CLINTON, and Mr. LAUTENBERG) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

SA 1142. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 925, supra; which was ordered to lie on the table.

SA 1143. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 925, supra; which was ordered to lie on the table.

SA 1144. Mr. ALLEN (for himself, Mr. AL-EXANDER, Mr. GRAHAM, of South Carolina, and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1145. Mr. BROWNBACK proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1146. Mr. SMITH (for himself, Mr. BIDEN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 925, supra; which was ordered to lie on the table.

SA 1147. Mr. BROWNBACK (for himself, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1148. Ms. MURKOWSKI (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 925, supra; which was ordered to lie on the table.

SA 1149. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 925, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1136.** Mr. LUGAR proposed an amendment to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Affairs Act, Fiscal Year 2004".

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Foreign Relations Authorizations.

(2) Division B—Foreign Assistance Authorizations.

(3) Division C—Millennium Challenge Assistance.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

**DIVISION A—FOREIGN RELATIONS AUTHORIZATIONS**

Sec. 100. Short title; definitions.

**TITLE I—AUTHORIZATIONS OF APPROPRIATIONS**

**Subtitle A—Department of State**

Sec. 101. Administration of foreign affairs.

Sec. 102. United States educational, cultural, and public diplomacy programs.

Sec. 103. International organizations and conferences.

Sec. 104. International commissions.

Sec. 105. Migration and refugee assistance.

**Subtitle B—United States International Broadcasting Activities**

Sec. 111. Authorizations of appropriations.

**TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES**

**Subtitle A—Basic Authorities and Activities**

Sec. 201. Interference with protective functions.

Sec. 202. Authority to issue administrative subpoenas.

Sec. 203. Enhanced Department of State authority for uniformed security officers.

Sec. 204. Reimbursement rate for airlift services provided to the Department of State.

Sec. 205. Immediate response facilities.

Sec. 206. Security capital cost sharing.

Sec. 207. Prohibition on transfer of certain visa processing fees.

Sec. 208. Reimbursement from United States Olympic Committee.

**Subtitle B—Educational, Cultural, and Public Diplomacy Authorities**

Sec. 211. Authority to promote biotechnology.

Sec. 212. The United States Diplomacy Center.

Sec. 213. Latin America civilian government security program.

**TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE**

Sec. 301. Fellowship of Hope Program.

Sec. 302. Cost-of-living allowances.

Sec. 303. Additional authority for waiver of annuity limitations on reemployed Foreign Service annuitants.

Sec. 304. Home leave.

Sec. 305. Increased limits applicable to post differentials and danger pay allowances.

Sec. 306. Suspension of Foreign Service members without pay.

Sec. 307. Claims for lost pay.

Sec. 308. Repeal of requirement for recertification process for members of the Senior Foreign Service.

Sec. 309. Deadline for issuance of regulations regarding retirement credit for Government service performed abroad.

Sec. 310. Separation of lowest ranked Foreign Service members.

Sec. 311. Disclosure requirements applicable to proposed recipients of the personal rank of ambassador or minister.

Sec. 312. Provision of living quarters and allowances to the United States Representatives to the United Nations.

**TITLE IV—INTERNATIONAL ORGANIZATIONS**

Sec. 401. Limitation on the United States share of assessments for United Nations Peacekeeping Operations after calendar year 2004.

Sec. 402. Report to Congress on implementation of the Brahimi report.

Sec. 403. Membership on United Nations councils and commissions.

**TITLE V—DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS**

Sec. 501. Designation of foreign terrorist organizations.

**TITLE VI—STRENGTHENING OUTREACH TO THE ISLAMIC WORLD**

**Subtitle A—Public Diplomacy**

Sec. 601. Plans, reports, and budget documents.

Sec. 602. Recruitment and training.

Sec. 603. Report on foreign language briefings.

**Subtitle B—Strengthening United States Educational and Cultural Exchange Programs**

Sec. 611. Definitions.

Sec. 612. Expansion of educational and cultural exchanges.

Sec. 613. Secondary exchange program.

Sec. 614. Authorization of appropriations.

**Subtitle C—Fellowship Program**

Sec. 621. Short title.

Sec. 622. Fellowship program.

Sec. 623. Fellowships.

Sec. 624. Administrative provisions.

**TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION**

Sec. 701. Short title.

Sec. 702. Inadmissibility of aliens supporting international child abductors and relatives of such abductors.

**TITLE VIII—MISCELLANEOUS PROVISIONS**

Sec. 801. Repeal of requirement for semi-annual report on extradition of narcotics traffickers.

Sec. 802. Technical amendments to the United States International Broadcasting Act of 1994.

Sec. 803. Foreign language broadcasting.

Sec. 804. Fellowships for multidisciplinary training on nonproliferation issues.

Sec. 805. Requirement for report on United States policy toward Haiti.

Sec. 806. Victims of violent crime abroad.

Sec. 807. Limitation on use of funds relating to United States policy with respect to Jerusalem as the Capital of Israel.

Sec. 808. Requirement for additional report concerning efforts to promote Israel's diplomatic relations with other countries.

Sec. 809. United States policy regarding the recognition of a Palestinian State.

Sec. 810. Middle East Broadcasting Network.

Sec. 811. Sense of Congress relating to international and economic support for a successor regime in Iraq.

Sec. 812. Sense of Congress relating to Magen David Adom Society.

Sec. 813. Sense of Congress on climate change.

Sec. 814. Extension of authorization of appropriation for the United States Commission on International Religious Freedom.

**TITLE IX—PEACE CORPS CHARTER FOR THE 21ST CENTURY**

Sec. 901. Short title.

Sec. 902. Findings.

Sec. 903. Definitions.

Sec. 904. Strengthened independence of the Peace Corps.

Sec. 905. Reports and consultations.

Sec. 906. Increasing the number of volunteers.

Sec. 907. Special volunteer recruitment and placement for countries whose governments are seeking to foster greater understanding between their citizens and the United States.

Sec. 908. Global infectious diseases initiative.

Sec. 909. Peace Corps National Advisory Council.

Sec. 910. Readjustment allowances.

Sec. 911. Programs and projects of returned Peace Corps volunteers to promote the goals of the Peace Corps.

Sec. 912. Authorization of appropriations.

**DIVISION B—FOREIGN ASSISTANCE AUTHORIZATIONS**

Sec. 2001. Short title.

**TITLE XXI—AUTHORIZATION OF APPROPRIATIONS**

**Subtitle A—Development Assistance and Related Programs Authorizations**

Sec. 2101. Development assistance.

Sec. 2102. Child Survival and Health Programs Fund.

Sec. 2103. Development credit authority.

Sec. 2104. Program to provide technical assistance to foreign governments and foreign central banks of developing or transitional countries.

Sec. 2105. International organizations and programs.

Sec. 2106. Continued availability of certain funds withheld from international organizations.

Sec. 2107. International disaster assistance.

Sec. 2108. Transition initiatives.

Sec. 2109. Famine assistance.

Sec. 2110. Assistance for the independent states of the former Soviet Union.

Sec. 2111. Assistance for Eastern Europe and the Baltic States.

Sec. 2112. Operating expenses of the United States Agency for International Development.

**Subtitle B—Counternarcotics, Security Assistance, and Related Programs Authorizations**

Sec. 2121. Complex foreign contingencies.

Sec. 2122. International narcotics control and law enforcement.

Sec. 2123. Economic support fund.

Sec. 2124. International military education and training.

Sec. 2125. Peacekeeping operations.

Sec. 2126. Nonproliferation, anti-terrorism, demining, and related assistance.

Sec. 2127. Foreign military financing program.

**Subtitle C—Independent Agencies Authorizations**

Sec. 2131. Inter-American Foundation.

Sec. 2132. African Development Foundation.

**Subtitle D—Multilateral Development Bank Authorizations**

Sec. 2141. Contribution to the seventh replenishment of the Asian Development Fund.

Sec. 2142. Contribution to the thirteenth replenishment of the International Development Association.

Sec. 2143. Contribution to the ninth replenishment of the African Development Fund.

**Subtitle E—Authorization for Iraq Relief and Reconstruction**

Sec. 2151. Authorization of assistance for relief and reconstruction efforts.

Sec. 2152. Reporting and consultation.

Sec. 2153. Special assistance authority.

Sec. 2154. Inapplicability of certain restrictions.

Sec. 2155. Termination of authorities.

**TITLE XXII—AMENDMENTS TO GENERAL FOREIGN ASSISTANCE AUTHORITIES**

**Subtitle A—Foreign Assistance Act Amendments and Related Provisions**

Sec. 2201. Development policy.

Sec. 2202. Assistance for nongovernmental organizations.

Sec. 2203. Authority for use of funds for unanticipated contingencies.

Sec. 2204. Authority to accept lethal excess property.

Sec. 2205. Reconstruction assistance under international disaster assistance authority.

Sec. 2206. Funding authorities for assistance for the independent states of the former Soviet Union.

Sec. 2207. Waiver of net proceeds resulting from disposal of United States defense articles provided to a foreign country on a grant basis.

Sec. 2208. Transfer of certain obsolete or surplus defense articles in the war reserve stockpiles for allies to Israel.

Sec. 2209. Additions to war reserve stockpiles for allies for fiscal year 2004.

Sec. 2210. Restrictions on economic support funds for Lebanon.

Sec. 2211. Administration of justice.

Sec. 2212. Demining programs.

Sec. 2213. Special waiver authority.

Sec. 2214. Prohibition of assistance for countries in default.

Sec. 2215. Military coups.

Sec. 2216. Designation of position for which appointee is nominated.

Sec. 2217. Exceptions to requirement for congressional notification of program changes.

Sec. 2218. Commitments for expenditures of funds.

Sec. 2219. Alternative dispute resolution.

Sec. 2220. Administrative authorities.

Sec. 2221. Assistance for law enforcement forces.

Sec. 2222. Special debt relief for the poorest.

Sec. 2223. Congo Basin Forest Partnership.

Sec. 2224. Landmine clearance programs.

Sec. 2225. Middle East Foundation.

**Subtitle B—Arms Export Control Act Amendments and Related Provisions**

Sec. 2231. Thresholds for advance notice to Congress of sales or upgrades of defense articles, design and construction services, and major defense equipment.

Sec. 2232. Clarification of requirement for advance notice to Congress of comprehensive export authorizations.

Sec. 2233. Exception to bilateral agreement requirements for transfers of defense items within Australia.

Sec. 2234. Authority to provide cataloging data and services to non-NATO countries.

Sec. 2235. Freedom Support Act permanent waiver authority.

Sec. 2236. Extension of Pakistan waivers.

Sec. 2237. Consolidation of reports on non-proliferation in South Asia.

Sec. 2238. Haitian Coast Guard.

Sec. 2239. Sense of Congress relating to exports of defense items to the United Kingdom.

Sec. 2240. Marketing information for commercial communications satellites.

**TITLE XXIII—RADIOLOGICAL TERRORISM THREAT REDUCTION**

Sec. 2301. Short title.

Sec. 2302. Findings.

Sec. 2303. Definitions.

Sec. 2304. International storage facilities for radioactive sources.

Sec. 2305. Discovery, inventory, and recovery of radioactive sources.

Sec. 2306. Radioisotope thermal generator power units in the independent states of the former Soviet Union.

Sec. 2307. Foreign first responders.

Sec. 2308. Threat assessment reports.

**TITLE XXIV—GLOBAL PATHOGEN SURVEILLANCE**

Sec. 2401. Short title.

Sec. 2402. Findings; purpose.

Sec. 2403. Definitions.

Sec. 2404. Priority for certain countries.

Sec. 2405. Restriction.

Sec. 2406. Fellowship program.

Sec. 2407. In-country training in laboratory techniques and syndrome surveillance.

Sec. 2408. Assistance for the purchase and maintenance of public health laboratory equipment.

Sec. 2409. Assistance for improved communication of public health information.

Sec. 2410. Assignment of public health personnel to United States missions and international organizations.

Sec. 2411. Expansion of certain United States Government laboratories abroad.

Sec. 2412. Assistance for regional health networks and expansion of foreign epidemiology training programs.

Sec. 2413. Authorization of appropriations.

**TITLE XXV—REPORTING REQUIREMENTS AND OTHER MATTERS**

**Subtitle A—Elimination and Modification of Certain Reporting Requirements**

Sec. 2501. Annual report on territorial integrity.

Sec. 2502. Annual reports on activities in Colombia.

Sec. 2503. Annual report on foreign military training.

Sec. 2504. Report on human rights in Haiti.

**Subtitle B—Other Matters**

Sec. 2511. Certain claims for expropriation by the Government of Nicaragua.

Sec. 2512. Amendments to the Arms Control and Disarmament Act.

Sec. 2513. Support for Sierra Leone.

Sec. 2514. Support for independent media in Ethiopia.

Sec. 2515. Support for Somalia.

Sec. 2516. Support for Central African States.

Sec. 2517. African contingency operations training and assistance program.

Sec. 2518. Condition on the provision of certain funds to Indonesia.

Sec. 2519. Assistance to combat HIV/AIDS in certain countries of the Caribbean region.

Sec. 2520. Repeal of obsolete assistance authority.

Sec. 2521. Technical corrections.

**DIVISION C—MILLENNIUM CHALLENGE ASSISTANCE**

Sec. 3001. Short title.

Sec. 3002. Findings and purposes.

Sec. 3003. Definitions.

**TITLE XXXI—MILLENNIUM CHALLENGE ASSISTANCE**

Sec. 3101. Establishment and management of the Millennium Challenge Corporation.

Sec. 3102. Authorization for Millennium Challenge assistance.

Sec. 3103. Candidate country.

Sec. 3104. Eligible country.

Sec. 3105. Eligible entity.

Sec. 3106. Millennium Challenge Contract.

Sec. 3107. Suspension of assistance to an eligible country.

Sec. 3108. Disclosure.

Sec. 3109. Millennium Challenge assistance to candidate countries.

Sec. 3110. Annual report to Congress.

**TITLE XXXII—POWERS AND AUTHORITIES OF THE MILLENNIUM CHALLENGE CORPORATION**

Sec. 3201. Powers of the Corporation.

Sec. 3202. Coordination with USAID.

Sec. 3203. Principal office.

Sec. 3204. Personnel authorities.

Sec. 3205. Personnel outside the United States.

Sec. 3206. Use of services of other agencies.

Sec. 3207. Administrative authorities.

Sec. 3208. Applicability of chapter 91 of title 31, United States Code.

**TITLE XXXIII—THE MILLENNIUM CHALLENGE ACCOUNT AND AUTHORIZATION OF APPROPRIATIONS**

Sec. 3301. Establishment of the Millennium Challenge Account.

Sec. 3302. Authorization of appropriations.

**DIVISION A—FOREIGN RELATIONS AUTHORIZATIONS**

**SEC. 100. SHORT TITLE; DEFINITIONS.**

(a) **SHORT TITLE.**—This division may be cited as the “Foreign Relations Authorization Act, Fiscal Year 2004”.

(b) **DEFINITIONS.**—In this division:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) **DEPARTMENT.**—The term “Department” means the Department of State.

(3) **SECRETARY.**—Except as otherwise provided in this division, the term “Secretary” means the Secretary of State.

**TITLE I—AUTHORIZATIONS OF APPROPRIATIONS**

**Subtitle A—Department of State**

**SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.**

The following amounts are authorized to be appropriated for the Department under “Administration of Foreign Affairs” to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law:

(1) **DIPLOMATIC AND CONSULAR PROGRAMS.**—

(A) **AUTHORIZATION OF APPROPRIATIONS.**—For “Diplomatic and Consular Programs”, \$4,171,504,000 for the fiscal year 2004.

(B) **WORLDWIDE SECURITY UPGRADES.**—Of the amounts authorized to be appropriated by subparagraph (A), \$646,701,000 for the fiscal year 2004 is authorized to be appropriated for worldwide security upgrades.

(2) **CAPITAL INVESTMENT FUND.**—For “Capital Investment Fund”, \$157,000,000 for the fiscal year 2004.

(3) **EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.**—For “Embassy Security, Construction and Maintenance”, \$926,400,000 for

the fiscal year 2004, in addition to the amounts authorized to be appropriated for such purpose by section 604 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-453).

(4) REPRESENTATION ALLOWANCES.—For “Representation Allowances”, \$9,000,000 for the fiscal year 2004.

(5) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For “Protection of Foreign Missions and Officials”, \$10,000,000 for the fiscal year 2004.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For “Emergencies in the Diplomatic and Consular Service”, \$1,000,000 for the fiscal year 2004.

(7) REPATRIATION LOANS.—For “Repatriation Loans”, \$1,219,000 for the fiscal year 2004.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For “Payment to the American Institute in Taiwan”, \$19,773,000 for the fiscal year 2004.

(9) OFFICE OF THE INSPECTOR GENERAL.—For “Office of the Inspector General”, \$31,703,000 for the fiscal year 2004.

#### SEC. 102. UNITED STATES EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY PROGRAMS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated for the Department to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with the purposes of such Acts:

(1) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

(i) IN GENERAL.—For the “Fulbright Academic Exchange Programs” \$127,365,000 for the fiscal year 2004.

(ii) VIETNAM FULBRIGHT ACADEMIC EXCHANGE PROGRAM.—Of the amount authorized to be appropriated by clause (i), \$5,000,000 to carry out the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138).

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—For other educational and cultural exchange programs authorized by law, \$274,981,000 for the fiscal year 2004.

(2) NATIONAL ENDOWMENT FOR DEMOCRACY.—For the “National Endowment for Democracy”, \$42,000,000 for the fiscal year 2004.

(3) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the “Center for Cultural and Technical Interchange Between East and West”, \$15,000,000 for the fiscal year 2004.

(4) DANTE B. FASCELL NORTH-SOUTH CENTER.—For the “Dante B. Fascell North-South Center”, \$2,000,000 for the fiscal year 2004.

(b) ASIA FOUNDATION.—Section 404 of The Asia Foundation Act (22 U.S.C. 4403) is amended to read as follows:

“SEC. 404. There are authorized to be appropriated to the Secretary of State \$15,000,000 for the fiscal year 2004 for grants to The Asia Foundation pursuant to this title.”.

#### SEC. 103. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There is authorized to be appropriated for “Contributions to International Organizations”, \$1,010,463,000 for the fiscal year 2004 for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—

(1) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated for “Contributions for International Peacekeeping Activities”, \$550,200,000 for the fiscal year 2004 for the Department to carry out the authorities, functions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(2) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to paragraph (1) are authorized to be available until September 30, 2005.

(c) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATION.—In addition to amounts authorized to be appropriated by subsection (a), there is authorized to be appropriated for the Department such sums as may be necessary for the fiscal year 2004 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to the appropriate congressional committees that such amounts are necessary due to such fluctuations.

#### SEC. 104. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under “International Commissions” for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international commissions and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For “International Boundary and Water Commission, United States and Mexico”—

(A) for “Salaries and Expenses”, \$31,562,000 for the fiscal year 2004; and

(B) for “Construction”, \$8,901,000 for the fiscal year 2004.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For “International Boundary Commission, United States and Canada”, \$1,261,000 for the fiscal year 2004.

(3) INTERNATIONAL JOINT COMMISSION.—For “International Joint Commission”, \$7,810,000 for the fiscal year 2004.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For “International Fisheries Commissions”, \$20,043,000 for the fiscal year 2004.

#### SEC. 105. MIGRATION AND REFUGEE ASSISTANCE.

(a) IN GENERAL.—There is authorized to be appropriated for “Migration and Refugee Assistance” for authorized activities, \$760,197,000 for the fiscal year 2004.

(b) REFUGEES RESETTLING IN ISRAEL.—Of the amount authorized to be appropriated by subsection (a), \$50,000,000 is authorized to be available for the fiscal year 2004 for the resettlement of refugees in Israel.

#### Subtitle B—United States International Broadcasting Activities

#### SEC. 111. AUTHORIZATIONS OF APPROPRIATIONS.

The following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with the purposes of such Acts:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—For “International Broadcasting Operations”, \$561,005,000 for the fiscal year 2004.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For “Broadcasting Capital Improvements”, \$11,395,000 for the fiscal year 2004.

#### TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

##### Subtitle A—Basic Authorities and Activities

#### SEC. 201. INTERFERENCE WITH PROTECTIVE FUNCTIONS.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

##### “§ 117. Interference with certain protective functions

“Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged, within the United States or the special maritime territorial jurisdiction of the United States, in the performance of the protective functions authorized by section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic Security Act (22 U.S.C. 4802) shall be fined under this title or imprisoned not more than one year, or both.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“117. Interference with certain protective functions.”.

#### SEC. 202. AUTHORITY TO ISSUE ADMINISTRATIVE SUBPOENAS.

Section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) is amended by adding at the end the following new subsection:

“(d) ADMINISTRATIVE SUBPOENAS.—

“(1) IN GENERAL.—If the Secretary determines that there is an imminent threat against a person, foreign mission, or international organization protected under the authority of subsection (a)(3), the Secretary may issue in writing, and cause to be served, a subpoena requiring—

“(A) the production of any records or other items relevant to the threat; and

“(B) testimony by the custodian of the items required to be produced concerning the production and authenticity of those items.

“(2) REQUIREMENTS.—

“(A) RETURN DATE.—A subpoena under this subsection shall describe the items required to be produced and shall specify a return date within a reasonable period of time within which the requested items may be assembled and made available. The return date specified may not be less than 24 hours after service of the subpoena.

“(B) NOTIFICATION TO ATTORNEY GENERAL.—As soon as practicable following the issuance of a subpoena under this subsection, the Secretary shall notify the Attorney General of its issuance.

“(C) OTHER REQUIREMENTS.—The following provisions of section 3486 of title 18, United

States Code, shall apply to the exercise of the authority of paragraph (1):

“(i) Paragraphs (4) through (8) of subsection (a).

“(ii) Subsections (b), (c), and (d).

“(3) DELEGATION OF AUTHORITY.—The authority under this subsection may be delegated only to the Deputy Secretary of State.

“(4) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report regarding the exercise of the authority under this subsection during the previous calendar year.”.

**SEC. 203. ENHANCED DEPARTMENT OF STATE AUTHORITY FOR UNIFORMED SECURITY OFFICERS.**

The State Department Basic Authorities Act of 1956 is amended by inserting after section 37 (22 U.S.C. 2709) the following new section:

**“SEC. 37A. PROTECTION OF BUILDINGS AND AREAS IN THE UNITED STATES BY DESIGNATED LAW ENFORCEMENT OFFICERS.**

“(a) DESIGNATION OF LAW ENFORCEMENT OFFICERS.—The Secretary of State may designate Department of State uniformed guards as law enforcement officers for duty in connection with the protection of buildings and areas within the United States for which the Department of State provides protective services, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

“(b) POWERS OF OFFICERS.—While engaged in the performance of official duties as a law enforcement officer designated under subsection (a), an officer may—

“(1) enforce Federal laws and regulations for the protection of persons and property;

“(2) carry firearms; and

“(3) make arrests without warrant for any offense against the United States committed in the officer's presence, or for any felony cognizable under the laws of the United States if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing such felony in connection with the buildings and areas, or persons, for which the Department of State is providing protective services.

“(c) REGULATIONS.—(1) The Secretary of State may prescribe regulations necessary for the administration of buildings and areas within the United States for which the Department of State provides protective services. The regulations may include reasonable penalties, within the limits prescribed in subsection (d), for violations of the regulations.

“(2) The Secretary shall consult with the Secretary of Homeland Security in prescribing the regulations under paragraph (1).

“(3) The regulations shall be posted and kept posted in a conspicuous place on the property.

“(d) PENALTIES.—A person violating a regulation prescribed under subsection (c) shall be fined under title 18, United States Code, or imprisoned for not more than 30 days, or both.

“(e) TRAINING OFFICERS.—The Secretary of State may also designate firearms and explosives training officers as law enforcement officers under subsection (a) for the limited purpose of safeguarding firearms, ammunition, and explosives that are located at firearms and explosives training facilities approved by the Secretary or are in transit between training facilities and Department of State weapons and munitions vaults.

“(f) ATTORNEY GENERAL APPROVAL.—The powers granted to officers designated under this section shall be exercised in accordance

with guidelines approved by the Attorney General.

“(g) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section shall be construed to affect the authority of the Secretary of Homeland Security, the Administrator of General Services, or any Federal law enforcement agency.”.

**SEC. 204. REIMBURSEMENT RATE FOR AIRLIFT SERVICES PROVIDED TO THE DEPARTMENT OF STATE.**

(a) AUTHORITY.—Subsection (a) of section 2642 of title 10, United States Code, is amended by inserting “or the Department of State” after “Central Intelligence Agency”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) AMENDMENT TO SECTION HEADING.—The heading for such section is amended to read as follows:

**“§2642. Reimbursement rate for airlift services provided to Central Intelligence Agency or Department of State”.**

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 157 of such title is amended to read as follows:

“2642. Reimbursement rate for airlift services provided to Central Intelligence Agency or Department of State.”.

**SEC. 205. IMMEDIATE RESPONSE FACILITIES.**

Section 34(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706(c)) is amended to read as follows:

“(c)(1) The Secretary may waive the notification requirement of subsection (a) and of any other law if the Secretary determines that—

“(A) compliance with the requirement would pose a substantial risk to human health or welfare; or

“(B) doing so is necessary to provide for the establishment, or renovation of, a diplomatic facility in urgent circumstances, except that the notification requirement may not be waived with respect to the reprogramming of more than \$10,000,000 for such facility in any one instance.

“(2) In the case of any waiver under this subsection, the Secretary shall transmit a notification of the waiver to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives as soon as is practicable, but not later than 3 days after the obligation of the funds. The notification shall include an explanation of the circumstances warranting the exercise of the waiver.”.

**SEC. 206. SECURITY CAPITAL COST SHARING.**

(a) AUTHORIZATION.—The first section of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292) is amended by adding at the end the following new subsection:

“(c)(1) The Secretary of State may, in accordance with this section, collect from every agency of the Federal Government that has assigned employees to any United States diplomatic facility a fee for the purpose of constructing new United States diplomatic facilities.

“(2) The Secretary is authorized to determine annually and charge each Federal agency the amount to be collected under paragraph (1) from the agency. To determine such amount, the Secretary may prescribe and use a formula that takes into account the number of employees of each agency, including contractors and locally hired personnel, who are assigned to each United States diplomatic facility and are under the authority of the chief of mission pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

“(3) The head of an agency charged a fee under this section shall remit the amount of the fee to the Secretary of State through the Intra-Governmental Payment and Collection System or other appropriate means.

“(4) There shall be established on the books of the Treasury an account to be known as the ‘Capital Security Cost-Share Program Fund’, which shall be administered by the Secretary. There shall be deposited into the account all amounts collected by the Secretary pursuant to the authority under paragraph (1), and such funds shall remain available until expended. The Secretary shall include in the Department of State's Congressional Presentation Document each year an accounting of the sources and uses of the amounts deposited into the account.

“(5) The Secretary shall not collect a fee for an employee of an agency of the Federal Government who is assigned to a United States diplomatic facility that is located at a site for which the Secretary has granted a waiver under section 606(a)(2)(B)(i) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)(i)).

“(6) In this subsection—

“(A) the term ‘agency of the Federal Government’—

“(i) includes the Interagency Cooperative Administrative Support Service; and

“(ii) does not include the Marine Security Guard; and

“(B) the term ‘United States diplomatic facility’ has the meaning given that term in section 603 of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2004.

**SEC. 207. PROHIBITION ON TRANSFER OF CERTAIN VISA PROCESSING FEES.**

Section 140(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) is amended by inserting before the period at the end the following: “, and shall not be transferred to any other agency”.

**SEC. 208. REIMBURSEMENT FROM UNITED STATES OLYMPIC COMMITTEE.**

(a) IN GENERAL.—The Secretary shall seek, to the extent practicable, reimbursement from the United States Olympic Committee for security provided to the United States Olympic Team by Diplomatic Security Special Agents during the 2004 Summer Olympics.

(b) OFFSETTING RECEIPT.—Reimbursements provided under subsection (a) shall be deposited as an offsetting receipt to the appropriate Department account.

(c) AVAILABILITY OF FUNDS.—Funds collected under the authority in subsection (a) shall remain available for obligation until September 30, 2005.

**Subtitle B—Educational, Cultural, and Public Diplomacy Authorities**

**SEC. 211. AUTHORITY TO PROMOTE BIOTECHNOLOGY.**

The Secretary is authorized to support, by grants, cooperative agreements, or contracts, outreach and public diplomacy activities regarding the benefits of agricultural biotechnology and science-based regulatory systems, and the application of agricultural biotechnology for trade and development purposes. The total amount of grants made pursuant to this authority in a fiscal year shall not exceed \$500,000.

**SEC. 212. THE UNITED STATES DIPLOMACY CENTER.**

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 58 (22 U.S.C. 2730) the following new section:

**"SEC. 59. THE UNITED STATES DIPLOMACY CENTER.**

"(a) ACTIVITIES.—

"(1) SUPPORT AUTHORIZED.—The Secretary of State is authorized to provide by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services, including organizing conference activities, museum shop services, and food services, in the public exhibit and related space utilized by the United States Diplomacy Center.

"(2) PAYMENT OF EXPENSES.—The Secretary may pay all reasonable expenses of conference activities conducted by the Center, including refreshments and reimbursement of travel expenses incurred by participants.

"(3) RECOVERY OF COSTS.—Any revenues generated under the authority of paragraph (1) for visitor services may be retained, as a recovery of the costs of operating the Center, and credited to any Department of State appropriation.

"(b) DISPOSITION OF UNITED STATES DIPLOMACY CENTER ARTIFACTS AND MATERIALS.—

"(1) PROPERTY OF SECRETARY.—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary to be suitable for display in the United States Diplomacy Center shall be considered to be the property of the Secretary in the Secretary's official capacity and shall be subject to disposition solely in accordance with this subsection.

"(2) SALE OR TRADE.—Whenever the Secretary makes the determination under paragraph (3) with respect to an item, the Secretary may sell at fair market value, trade, or transfer the item, without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the Center's mission and may not be used for any purpose other than the acquisition and direct care of collections.

"(3) DETERMINATIONS PRIOR TO SALE OR TRADE.—The determination referred to in paragraph (2), with respect to an item, is a determination that—

"(A) the item no longer serves to further the purposes of the Center established in the collections management policy of the Center; or

"(B) in order to maintain the standards of the collections of the Center, the sale or exchange of the item would be a better use of the item.

"(4) LOANS.—The Secretary may also lend items covered by paragraph (1), when not needed for use or display in the Center, to the Smithsonian Institution or a similar institution for repair, study, or exhibition."

**SEC. 213. LATIN AMERICA CIVILIAN GOVERNMENT SECURITY PROGRAM.**

The Secretary is authorized to establish, through an institution of higher education in the United States that has prior experience in the field, an educational program designed to promote civilian control of government ministries in Latin America that perform national security functions by teaching and reinforcing among young professionals from countries in Latin America the analytical skills, knowledge of civil institutions, and leadership skills necessary to manage national security functions within a democratic civil society.

**TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE****SEC. 301. FELLOWSHIP OF HOPE PROGRAM.**

(a) FELLOWSHIP AUTHORIZED.—Chapter 5 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3981 et seq.) is amended by adding at the end the following new section:

"SEC. 506. FELLOWSHIP OF HOPE.—(a) The Secretary is authorized to establish the Fel-

lowship of Hope Program. Under the program, the Secretary may assign a member of the Service, for not more than one year, to a position with any designated country or designated entity that permits an employee to be assigned to a position with the Department.

"(b) The salary and benefits of a member of the Service shall be paid as described in subsection (b) of section 503 during a period in which such member is participating in the Fellowship of Hope Program. The salary and benefits of an employee of a designated country or designated entity participating in such program shall be paid by such country or entity during the period in which such employee is participating in the program.

"(c) In this section:

"(1) The term 'designated country' means a member country of—

"(A) the North Atlantic Treaty Organization; or

"(B) the European Union.

"(2) The term 'designated entity' means—

"(A) the North Atlantic Treaty Organization; or

"(B) the European Union."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such Act is amended—

(1) in section 503 (22 U.S.C. 3983)—

(A) in the section heading, by striking "AND" and inserting "FOREIGN GOVERNMENTS, OR"; and

(B) in subsection (a)(1), by inserting after "body" the following: ", or with a foreign government under section 506"; and

(2) in section 2, in the table of contents—

(A) by striking the item relating to section 503 and inserting the following:

"Sec. 503. Assignments to agencies, international organizations, foreign governments, or other bodies.";

and

(B) by inserting after the item relating to section 505 the following:

"Sec. 506. Fellowship of Hope Program."

**SEC. 302. COST-OF-LIVING ALLOWANCES.**

Section 5924(4) of title 5, United States Code, is amended—

(1) in the first sentence of subparagraph (A)—

(A) by inserting "activities required for successful completion of a grade or course and" after "(including"; and

(B) by striking "not to exceed the total cost to the Government of the dependent attending an adequate school in the nearest locality where an adequate school is available" and inserting "subject to the approval of the head of the agency involved";

(2) by striking subparagraph (B) and inserting the following:

"(B) The travel expenses of dependents of an employee to and from a secondary, post-secondary, or post-baccalaureate educational institution, not to exceed 1 annual trip each way for each dependent, except that an allowance payment under subparagraph (A) of this paragraph may not be made for a dependent during the 12 months following the arrival of the dependent at the selected educational institution under authority contained in this subparagraph."; and

(3) by adding at the end the following new subparagraph:

"(D) Allowances provided pursuant to subparagraphs (A) and (B) may include, at the election of the employee, payment or reimbursement of the costs incurred to store baggage for the employee's dependent at or in the vicinity of the dependent's school during the dependent's annual trip between the school and the employee's duty station, except that such payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage with the dependent in connection with the

annual trip, and such payment or reimbursement shall be in lieu of transportation of the baggage."

**SEC. 303. ADDITIONAL AUTHORITY FOR WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED FOREIGN SERVICE ANNUITANTS.**

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended to read as follows:

"(g) The Secretary of State may waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis—

"(1) if, and for so long as, such waiver is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

"(2) if the annuitant is employed in a position for which there is exceptional difficulty in recruiting or retaining a qualified employee."

**SEC. 304. HOME LEAVE.**

Chapter 9 of title I of the Foreign Service Act of 1980 is amended—

(1) in section 901(6) (22 U.S.C. 4081(6)), by striking "unbroken by home leave" both places that it appears; and

(2) in section 903(a) (22 U.S.C. 4083(a)), by striking "18 months" in the first sentence and inserting "12 months".

**SEC. 305. INCREASED LIMITS APPLICABLE TO POST DIFFERENTIALS AND DANGER PAY ALLOWANCES.**

(a) POST DIFFERENTIALS.—Section 5925(a) of title 5, United States Code, is amended by striking "25 percent" in the third sentence and inserting "35 percent".

(b) DANGER PAY ALLOWANCES.—Section 5928 of title 5, United States Code, is amended by striking "25 percent" both places that it appears and inserting "35 percent".

**SEC. 306. SUSPENSION OF FOREIGN SERVICE MEMBERS WITHOUT PAY.**

(a) SUSPENSION.—Section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended by adding at the end the following new subsection:

"(c) SUSPENSION.—(1) The Secretary may suspend a member of the Foreign Service without pay when there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed and there is a connection between the conduct and the efficiency of the Foreign Service.

"(2) Any member of the Foreign Service for which a suspension is proposed shall be entitled to—

"(A) written notice stating the specific reasons for the proposed suspension;

"(B) a reasonable time to respond orally and in writing to the proposed suspension;

"(C) representation by an attorney or other representative; and

"(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

"(3) Any member suspended under this section may file a grievance in accordance with the procedures applicable to grievances under chapter 11 of this title.

"(4) In the case of a grievance filed under paragraph (3), the review by the Foreign Service Grievance Board—

"(A) shall be limited to a determination of whether the reasonable cause requirement has been fulfilled and whether there is a connection between the conduct and the efficiency of the Foreign Service; and

"(B) may not exercise the authority provided under section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)).

"(5) In this section:

"(A) The term 'reasonable time' means—

"(i) with respect to a member of the Foreign Service assigned to duty in the United

States, 15 days after receiving notice of the proposed suspension; and

“(ii) with respect to a member of the Foreign Service assigned to duty outside the United States, 30 days after receiving notice of the proposed suspension.

“(B) The term ‘suspend’ or ‘suspension’ means the placing of a member of the Foreign Service, for disciplinary reasons, in a temporary status without duties.”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) AMENDMENT OF SECTION HEADING.—Such section, as amended by subsection (a), is further amended by inserting “; suspension” before the period at the end.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of contents in section 2 of such Act is amended to read as follows:

“Sec. 610. Separation for cause; suspension.”.

#### SEC. 307. CLAIMS FOR LOST PAY.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding at the end the following:

“(o) make administrative corrections or adjustments to an employee's pay, allowances, or differentials, resulting from mistakes or retroactive personnel actions, as well as provide back pay and other categories of payments under section 5596 of title 5, United States Code, as part of the settlement or compromise of administrative claims or grievances filed against the Department.”.

#### SEC. 308. REPEAL OF REQUIREMENT FOR RECERTIFICATION PROCESS FOR MEMBERS OF THE SENIOR FOREIGN SERVICE.

Section 305(d) of the Foreign Service Act of 1980 (22 U.S.C. 3945(d)) is repealed.

#### SEC. 309. DEADLINE FOR ISSUANCE OF REGULATIONS REGARDING RETIREMENT CREDIT FOR GOVERNMENT SERVICE PERFORMED ABROAD.

Section 321(f) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 116 Stat. 1383; 5 U.S.C. 8411 note) is amended by inserting “, not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Year 2004,” after “regulations”.

#### SEC. 310. SEPARATION OF LOWEST RANKED FOREIGN SERVICE MEMBERS.

Section 2311(b)(1) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (subdivision B of division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-826; 22 U.S.C. 4010 note) is amended—

(1) by striking “Not later than 90 days after the date of enactment of this Act, the” and inserting “The”;

(2) by striking “5 percent” and inserting “2 percent”; and

(3) by striking “for 2 or more of the 5 years preceding the date of enactment of this Act” and inserting “at least twice in any 5-year period”.

#### SEC. 311. DISCLOSURE REQUIREMENTS APPLICABLE TO PROPOSED RECIPIENTS OF THE PERSONAL RANK OF AMBASSADOR OR MINISTER.

Section 302(a)(2)(B)(ii)(IV) of the Foreign Service Act of 1980 (22 U.S.C. 3942(a)(2)(B)(ii)(IV)) is amended by inserting before the period at the end the following: “, including information that is required to be disclosed on the Standard Form 278, or any successor financial disclosure report”.

#### SEC. 312. PROVISION OF LIVING QUARTERS AND ALLOWANCES TO THE UNITED STATES REPRESENTATIVES TO THE UNITED NATIONS.

Section 9 of the United Nations Participation Act of 1945 (22 U.S.C. 287e-1) is amended to read as follows:

“SEC. 9. (a) The Secretary of State may, under such regulations as the Secretary shall prescribe, and notwithstanding subsections (a) and (b) of section 3324 of title 31, United States Code, and section 5536 of title 5, United States Code—

“(1) make available to the Permanent Representative of the United States to the United Nations and the Deputy Permanent Representative of the United States to the United Nations—

“(A) living quarters leased or rented by the United States for a period that does not exceed 10 years; and

“(B) allowances for unusual expenses incident to the operation and maintenance of such living quarters that are similar to expenses authorized to be funded by section 5913 of title 5, United States Code;

“(2) make available living quarters in New York leased or rented by the United States for a period of not more than 10 years to—

“(A) not more than 40 members of the Foreign Service assigned to the United States Mission to the United Nations or other United States representatives to the United Nations; and

“(B) not more than 2 employees who serve at the pleasure of the Permanent Representative of the United States to the United Nations; and

“(3) provide an allowance, as the Secretary considers appropriate, to each Delegate and Alternate Delegate of the United States to any session of the General Assembly of the United Nations who is not a permanent member of the staff of the United States Mission to the United Nations, in order to compensate each such Delegate or Alternate Delegate for necessary housing and subsistence expenses with respect to attending any such session.

“(b) The Secretary may not make available living quarters or allowances under subsection (a) to an employee who is occupying living quarters that are owned by such employee.

“(c) Living quarters and allowances provided under subsection (a) shall be considered for all purposes as authorized—

“(1) by chapter 9 of title I of the Foreign Service Act of 1980; and

“(2) by section 5913 of title 5, United States Code.

“(d) The Inspector General for the Department of State and the Broadcasting Board of Governors shall periodically review the administration of this section with a view to achieving cost savings and developing appropriate recommendations to make to the Secretary of State regarding the administration of this section.”.

### TITLE IV—INTERNATIONAL ORGANIZATIONS

#### SEC. 401. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING OPERATIONS AFTER CALENDAR YEAR 2004.

Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding at the end the following new clause:

“(v) For assessments made during a calendar year after calendar year 2004, 27.40 percent.”.

#### SEC. 402. REPORT TO CONGRESS ON IMPLEMENTATION OF THE BRAHIMI REPORT.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report assessing the progress made to implement the recommendations set out in the Report of the Panel on United Nations Peace Operations, transmitted from the Secretary General of the United Nations to the President

of the General Assembly and the President of the Security Council on August 21, 2000 (“Report”).

(b) CONTENT.—The report required by subsection (a) shall include—

(1) an assessment of the United Nations progress toward implementing the recommendations set out in the Report;

(2) a description of the progress made toward strengthening the capability of the United Nations to deploy a civilian police force and rule of law teams on an emergency basis at the request of the United Nations Security Council; and

(3) a description of the policies, programs, and strategies of the United States Government that support the implementation of the recommendations set out in the Report, especially in the areas of civilian police and rule of law.

#### SEC. 403. MEMBERSHIP ON UNITED NATIONS COUNCILS AND COMMISSIONS.

(a) IN GENERAL.—Section 408 of the Department of State Authorization Act, Fiscal Year 2003 (division A of Public Law 107-228; 116 Stat. 1391; 22 U.S.C. 287 note) is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking paragraph (3) and inserting the following:

“(3) to prevent membership on the United Nations Commission on Human Rights or the United Nations Security Council by—

“(A) any member nation the government of which, in the judgment of the Secretary, based on the Department's Annual Country Reports on Human Rights and the Annual Report on International Report on Religious Freedom, consistently violates internationally recognized human rights or has engaged in or tolerated particularly severe violations of religious freedom in that country; or

“(B) any member nation the government of which, as determined by the Secretary—

“(i) is a sponsor of terrorism; or

“(ii) is the subject of United Nations sanctions; and”;

(3) by adding at the end the following new paragraph:

“(4) to advocate that the government of any member nation that the Secretary determines is a sponsor of terrorism or is the subject of United Nations sanctions is not elected to a leadership position in the United Nations General Assembly, the United Nations Commission on Human Rights, the United Nations Security Council, or any other entity of the United Nations.”.

(b) CONFORMING AMENDMENT.—The heading of section 408 is amended to read as follows:

#### “SEC. 408. MEMBERSHIP ON UNITED NATIONS COMMISSIONS AND COUNCILS AND THE INTERNATIONAL NARCOTICS CONTROL BOARD.”.

### TITLE V—DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

#### SEC. 501. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) PERIOD OF DESIGNATION.—Section 219(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking “Subject to paragraphs (5) and (6), a” and inserting “A”; and

(B) by striking “for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)” and inserting “until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)”;

(2) by striking subparagraph (B) and inserting the following:

“(B) REVIEW OF DESIGNATION UPON PETITION.—

“(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth



in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

“(ii) PETITION PERIOD.—For purposes of clause (i)—

“(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

“(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

“(iii) PROCEDURES.—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) have changed in such a manner as to warrant revocation with respect to the organization.

“(iv) DETERMINATION.—

“(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

“(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

“(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

“(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6).”; and

(3) by adding at the end the following:

“(C) OTHER REVIEW OF DESIGNATION.—

“(i) IN GENERAL.—If in a 4-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6).

“(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

“(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.”.

(b) ALIASES.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) AMENDMENTS TO A DESIGNATION.—

“(I) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

“(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amend-

ed designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

“(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

“(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(B), by striking “subsection (b)” and inserting “subsection (c)”; and

(B) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by striking “or a redesignation made under paragraph (4)(B)” and inserting “at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4)”; and

(ii) in clause (i), by striking “or redesignation”;

(C) in paragraph (7), by striking “, or the revocation of a redesignation under paragraph (6).”; and

(D) in paragraph (8)—

(i) by striking “, or if a redesignation under this subsection has become effective under paragraph (4)(B).”; and

(ii) by striking “or redesignation”; and

(2) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking “of the designation in the Federal Register,” and all that follows through “review of the designation” and inserting “in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review”; and

(B) in paragraph (2), by inserting “, amended designation, or determination in response to a petition for revocation” after “designation”;

(C) in paragraph (3), by inserting “, amended designation, or determination in response to a petition for revocation” after “designation”; and

(D) in paragraph (4), by inserting “, amended designation, or determination in response to a petition for revocation” after “designation” each place that term appears.

(d) SAVINGS PROVISION.—For purposes of applying section 219 of the Immigration and Nationality Act on or after the date of enactment of this Act, the term “designation”, as used in that section, includes all redesignations made pursuant to section 219(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraph (5) or (6) of section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

## TITLE VI—STRENGTHENING OUTREACH TO THE ISLAMIC WORLD

### Subtitle A—Public Diplomacy

#### SEC. 601. PLANS, REPORTS, AND BUDGET DOCUMENTS.

Section 502 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462) is amended to read as follows:

#### “SEC. 502. PLANS, REPORTS, AND BUDGET DOCUMENTS.

“(a) INTERNATIONAL INFORMATION STRATEGY.—The President shall develop and report

to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an international information strategy. The international information strategy shall consist of public information plans designed for major regions of the world, including a focus on regions with significant Muslim populations.

“(b) NATIONAL SECURITY STRATEGY.—In preparation of the report required by section 108 of the National Security Act of 1947 (50 U.S.C. 404a), the President shall ensure that the report includes a comprehensive discussion of how public diplomacy activities are integrated into the national security strategy of the United States, and how such activities are designed to advance the goals and objectives identified in the report pursuant to section 108(b)(1) of that Act.

“(c) PLANS REGARDING DEPARTMENT ACTIVITIES.—

“(1) STRATEGIC PLAN.—In the updated and revised strategic plan for program activities of the Department required to be submitted under section 306 of title 5, United States Code, the Secretary shall identify how public diplomacy activities of the Department are designed to advance each strategic goal identified in the plan.

“(2) ANNUAL PERFORMANCE PLAN.—The Secretary shall ensure that each annual performance plan for the Department required by section 1115 of title 31, United States Code, includes a detailed discussion of public diplomacy activities of the Department.

“(3) BUREAU AND MISSION PERFORMANCE PLAN.—The Secretary shall ensure that each Bureau Performance Plan and each Mission Performance Plan, under regulations of the Department, includes an extensive public diplomacy component.”.

#### SEC. 602. RECRUITMENT AND TRAINING.

(a) IN GENERAL.—Chapter 7 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4021 et seq.) is amended by adding at the end the following new section:

#### “SEC. 709. PUBLIC DIPLOMACY TRAINING.

“The Secretary shall ensure that public diplomacy is an important component of training at all levels of the Foreign Service.”.

(b) JUNIOR OFFICER TRAINING.—Section 703(b) of the Foreign Service Act of 1980 (22 U.S.C. 4023(b)) is amended in the first sentence by inserting “public diplomacy,” before “consular”.

(c) AMENDMENT TO TABLE OF CONTENTS.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting at the end of items relating to chapter 7 the following new item:

“Sec. 709. Public Diplomacy Training.”.

#### SEC. 603. REPORT ON FOREIGN LANGUAGE BRIEFINGS.

Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees containing an evaluation of the feasibility of conducting regular, televised briefings by personnel of the Department of State about United States foreign policy in major foreign languages, including Arabic, Farsi, Chinese, French, and Spanish.

#### Subtitle B—Strengthening United States Educational and Cultural Exchange Programs

#### SEC. 611. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE COUNTRY.—The term “eligible country” means a country or entity in Africa, the Middle East, South Asia, or Southeast Asia that—

(A) has a significant Muslim population; and

(B) is designated by the Secretary as an eligible country.

(2) SECONDARY SCHOOL.—The term “secondary school” means a school that serves



students in any of grades 9 through 12 or equivalent grades in a foreign education system, as determined by the Secretary, in consultation with the Secretary of Education.

(3) UNITED STATES ENTITY.—The term “United States entity” means an entity that is organized under laws of a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or American Samoa.

(4) UNITED STATES SPONSORING ORGANIZATION.—The term “United States sponsoring organization” means a nongovernmental organization based in the United States and controlled by a citizen of the United States or a United States entity that is designated by the Secretary, pursuant to regulations, to carry out a program authorized by section 612.

#### SEC. 612. EXPANSION OF EDUCATIONAL AND CULTURAL EXCHANGES.

(a) STATEMENT OF POLICY.—The purpose of this section is to provide for the expansion of international educational and cultural exchange programs with eligible countries.

(b) SPECIFIC PROGRAMS.—In carrying out the purpose of this section, the Secretary is authorized to conduct or initiate the following programs in eligible countries:

(1) FULBRIGHT EXCHANGE PROGRAM.—The Secretary is authorized to substantially increase the number of awards under the J. William Fulbright Educational Exchange Program. The Secretary shall take all appropriate steps to increase support for binational Fulbright commissions in eligible countries in order to enhance academic and scholarly exchanges with those countries.

(2) HUBERT H. HUMPHREY FELLOWSHIPS.—The Secretary is authorized to substantially increase the number of Hubert H. Humphrey Fellowships awarded to candidates from eligible countries.

(3) SISTER INSTITUTIONS PROGRAMS.—The Secretary is authorized to encourage the establishment of “sister institution” programs between United States and foreign institutions (including cities and municipalities) in eligible countries, in order to enhance mutual understanding at the community level.

(4) LIBRARY TRAINING EXCHANGES.—The Secretary is authorized to develop a demonstration program to assist governments in eligible countries to establish or upgrade their public library systems to improve literacy. The program may include training in the library sciences.

(5) INTERNATIONAL VISITORS PROGRAM.—The Secretary is authorized to expand the number of participants in the International Visitors Program from eligible countries.

(6) YOUTH AMBASSADORS.—The Secretary is authorized to establish a program for visits by middle and secondary school students to the United States during school holidays in their home country for periods not to exceed 4 weeks. Participating students shall reflect the economic and geographic diversity of their countries. Activities shall include cultural and educational activities designed to familiarize participating students with American society and values.

(7) EDUCATIONAL REFORM.—The Secretary is authorized to enhance programs that seek to improve the quality of primary and secondary school systems in eligible countries and promote civic education, to foster understanding of the United States, and through teachers exchanges, teacher training, textbook modernization, and other efforts.

(8) PROMOTION OF RELIGIOUS FREEDOM.—The Secretary is authorized to establish a program to promote dialogue and exchange among leaders and scholars of all faiths from the United States and eligible countries.

(9) BRIDGING THE DIGITAL DIVIDE.—The Secretary is authorized to establish a program

to help foster access to information technology among underserved populations and civil society groups in eligible countries.

(10) SPORTS DIPLOMACY.—The Secretary is authorized to expand efforts to promote United States public diplomacy interests in eligible countries and elsewhere through sports diplomacy. Initiatives under this program may include—

(A) sending individuals from the United States to train foreign athletes or teams;

(B) sending individuals from the United States to assist countries in establishing or improving their sports, health, or physical education programs;

(C) providing assistance to athletic governing bodies in the United States to support efforts of such organizations to foster cooperation with counterpart organizations abroad; and

(D) utilizing United States professional athletes and other well-known United States sports personalities in support of public diplomacy goals and activities.

(11) COLLEGE SCHOLARSHIPS.—

(A) IN GENERAL.—The Secretary is authorized to establish a program to offer scholarships to permit an individual to attend an eligible college or university if such individual—

(i) has graduated from secondary school; and

(ii) is a citizen or resident of an eligible country.

(B) ELIGIBLE COLLEGE OR UNIVERSITY DEFINED.—In this paragraph the term “eligible college or university” means a college or university that—

(i) is primarily located in an eligible country;

(ii) is organized under laws of the United States, a State, or the District of Columbia;

(iii) is accredited by an accrediting agency recognized by the Secretary of Education; and

(iv) is not controlled by the government of an eligible country.

#### SEC. 613. SECONDARY EXCHANGE PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to establish an international exchange visitor program, modeled on the Future Leaders Exchange Program, under which eligible secondary school students from eligible countries would—

(1) attend public secondary school in the United States;

(2) live with an American host family; and

(3) participate in activities designed to promote a greater understanding of American and Islamic values and culture.

(b) ELIGIBILITY CRITERIA FOR STUDENTS.—A student is eligible to participate in the program authorized under subsection (a) if the student—

(1) is from an eligible country;

(2) is at least 15 years of age but not more than 18 years of age at the time of enrollment in the program;

(3) is enrolled in a secondary school in an eligible country;

(4) has completed not more than 11 years of primary and secondary education, exclusive of kindergarten;

(5) demonstrates maturity, good character, and scholastic aptitude, and has the proficiency in the English language necessary to participate in the program;

(6) has not previously participated in an exchange program in the United States sponsored by the United States Government; and

(7) is not inadmissible under the Immigration and Nationality Act or any other law related to immigration and nationality.

(c) PROGRAM REQUIREMENTS.—The program authorized by subsection (a) shall satisfy the following requirements:

(1) COMPLIANCE WITH “J” VISA REQUIREMENTS.—Participants in the program shall

satisfy all requirements applicable to the admission of nonimmigrant aliens described in section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)). The program shall be considered a designated exchange visitor program for purposes of the application of section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

(2) BROAD PARTICIPATION.—Whenever appropriate, special provisions shall be made to ensure the broadest possible participation in the program, particularly among females and less advantaged citizens of eligible countries.

(3) REGULAR REPORTING TO THE SECRETARY.—Each United States sponsoring organization shall report regularly to the Secretary information about the progress made by the organization in implementation of the program.

#### SEC. 614. AUTHORIZATION OF APPROPRIATIONS.

Of the amounts authorized to be appropriated for educational and cultural exchange programs under section 102(a)(1), there is authorized to be made available to the Department \$30,000,000 for the fiscal year 2004 to carry out programs authorized by this subtitle.

#### Subtitle C—Fellowship Program

##### SEC. 621. SHORT TITLE.

This subtitle may be cited as the “Edward R. Murrow Fellowship Act”.

##### SEC. 622. FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established a fellowship program pursuant to which the Broadcasting Board of Governors shall provide fellowships to foreign national journalists while they serve, for a period of 6 months, in positions at the Voice of America, RFE/RL, Incorporated, or Radio Free Asia.

(b) DESIGNATION OF FELLOWSHIPS.—Fellowships under this subtitle shall be known as “Edward R. Murrow Fellowships”.

(c) PURPOSE OF THE FELLOWSHIPS.—Fellowships under this subtitle shall be provided in order to allow each recipient (in this subtitle referred to as a “Fellow”) to serve on a short-term basis at the Voice of America, RFE/RL, Incorporated, or Radio Free Asia in order to obtain direct exposure to the operations of professional journalists.

##### SEC. 623. FELLOWSHIPS.

(a) LIMITATION.—Not more than 20 fellowships may be provided under this subtitle each fiscal year.

(b) REMUNERATION.—The Board shall determine, taking into consideration the position in which each Fellow will serve and the Fellow’s experience and expertise, the amount of remuneration the Fellow will receive for service under this subtitle.

(c) HOUSING AND TRANSPORTATION.—The Broadcasting Board of Governors shall, pursuant to regulations—

(1) provide housing for each Fellow while the Fellow is serving abroad, including housing for family members if appropriate; and

(2) pay the costs and expenses incurred by each Fellow for travel between the journalist’s country of nationality or last habitual residence and the offices of the Voice of America, RFE/RL, Incorporated, or Radio Free Asia and the country in which the Fellow serves, including (where appropriate) for travel of family members.

##### SEC. 624. ADMINISTRATIVE PROVISIONS.

(a) DETERMINATIONS.—The Broadcasting Board of Governors shall determine which of the individuals selected by the Board will serve at Voice of America, RFE/RL, Incorporated, or Radio Free Asia and the position in which each will serve.

(b) AUTHORITIES.—Fellows may be employed—

(1) under a temporary appointment in the Civil Service;

(2) under a limited appointment in the Foreign Service; or

(3) by contract under the provisions of section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)).

(c) FUNDING.—Funds available to the Broadcasting Board of Governors shall be used for the expenses incurred in carrying out this subtitle.

#### **TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION**

##### **SEC. 701. SHORT TITLE.**

This title may be cited as the "International Parental Child Abduction Prevention Act of 2003".

##### **SEC. 702. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS AND RELATIVES OF SUCH ABDUCTORS.**

(a) IN GENERAL.—Section 212(a)(10)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)(ii)) is amended by striking subclause (III) and inserting the following:

"(III) is a spouse (other than a spouse who is the parent of the abducted child), son or daughter (other than the abducted child), grandson or granddaughter (other than the abducted child), parent, grandparent, sibling, cousin, uncle, aunt, nephew, or niece of an alien described in clause (i), or is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State, at the Secretary of State's sole and unreviewable discretion,

is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence, or until the abducted child is 21 years of age."

(b) AUTHORITY TO CANCEL CERTAIN DESIGNATIONS; IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS; ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE ALIENS IN THE CONSULAR LOOKOUT AND SUPPORT SYSTEM.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by adding at the end the following:

"(iv) AUTHORITY TO CANCEL CERTAIN DESIGNATIONS.—The Secretary of State may, at the Secretary of State's sole and unreviewable discretion, at any time, cancel a designation made pursuant to clause (ii)(III).

"(v) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are potentially inadmissible under clause (ii).

"(vi) ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE PERSONS IN CONSULAR LOOKOUT AND SUPPORT SYSTEM.—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to cause the entry into the Consular Lookout and Support System of the name or names of, and identifying information about, such individual and of any persons identified pursuant to clause (v) as potentially inadmissible under clause (ii).

"(vii) DEFINITIONS.—In this subparagraph:

"(I) CHILD.—The term 'child' means a person under 21 years of age regardless of marital status.

"(II) SIBLING.—The term 'sibling' includes step-siblings and half-siblings."

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and

each February 1 thereafter for 4 years, the Secretary shall submit to the Committee on International Relations and the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate, an annual report that describes the operation of section 212(a)(10)(C) of the Immigration and Nationality Act, as amended by this section, during the prior calendar year to which the report pertains.

(2) CONTENT.—Each annual report submitted in accordance with paragraph (1) shall specify, to the extent that corresponding data is reasonably available, the following:

(A) The number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the inadmissibility of the applicant under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) during the reporting period.

(B) The cumulative total number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the inadmissibility of the applicant under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) since the beginning of the first reporting period.

(C) The number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which the name of an alien was placed in the Consular Lookout and Support System on the basis of the inadmissibility of the alien or potential inadmissibility under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) during the reporting period.

(D) The cumulative total number of names, disaggregated according to the nationality of the aliens concerned, known to the Secretary of State to appear in the Consular Lookout and Support System on the basis of the inadmissibility of the alien or potential inadmissibility under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) at the end of the reporting period.

#### **TITLE VIII—MISCELLANEOUS PROVISIONS**

##### **SEC. 801. REPEAL OF REQUIREMENT FOR SEMI-ANNUAL REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS.**

Section 3203 of the Emergency Supplemental Act, 2000 (division B of Public Law 106-246; 114 Stat. 575) is repealed.

##### **SEC. 802. TECHNICAL AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.**

Section 304(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(c)) is amended—

(1) in the first sentence, by striking "Director's" and inserting "Secretary's"; and

(2) in the last sentence, by striking "Director" and inserting "Secretary".

##### **SEC. 803. FOREIGN LANGUAGE BROADCASTING.**

(a) IN GENERAL.—During the 1-year period following the date of enactment of this Act, the Broadcasting Board of Governors may not eliminate foreign language broadcasting in any of the following languages: Bulgarian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Polish, Slovene, Slovak, Romanian, Croatian, Armenian, and Ukrainian.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall report to the appropriate congressional committees on the state of democratic governance and freedom of the press in the following countries: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia, Slovakia, Romania, Croatia, Armenia, and Ukraine.

(c) SENSE OF CONGRESS.—It is the sense of Congress that providing surrogate broadcasting in countries that have a stable, democratic government and a vibrant, independent press with legal protections should not be a priority of United States international broadcasting efforts.

##### **SEC. 804. FELLOWSHIPS FOR MULTIDISCIPLINARY TRAINING ON NON-PROLIFERATION ISSUES.**

(a) FELLOWSHIPS AUTHORIZED.—In carrying out international exchange programs, the Secretary shall design and implement a program to encourage eligible students to study at an accredited United States institution of higher education in an appropriate graduate program.

(b) ELIGIBLE STUDENT DEFINED.—In this section, the term "eligible student" means a citizen of a foreign country who—

(1) has completed undergraduate education; and

(2) is qualified (as determined by the Secretary).

(c) APPROPRIATE GRADUATE PROGRAM DEFINED.—In this section, the term "appropriate graduate program" means a graduate level program that provides for the multidisciplinary study of issues relating to weapons nonproliferation and includes training in—

(1) diplomacy;

(2) arms control;

(3) multilateral export controls; or

(4) threat reduction assistance.

(d) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated for educational and cultural exchange programs under section 1102, \$2,000,000 may be available to carry out this section.

##### **SEC. 805. REQUIREMENT FOR REPORT ON UNITED STATES POLICY TOWARD HAITI.**

(a) FINDINGS.—Congress makes the following findings:

(1) Haiti is plagued by chronic political instability, economic and political crises, and significant social challenges.

(2) The United States has a political and economic interest and a humanitarian and moral responsibility in assisting the Government and people of Haiti in resolving the country's problems and challenges.

(3) The situation in Haiti is increasingly cause for alarm and concern, and a sustained, coherent, and active approach by the United States Government is needed to make progress toward resolving Haiti's political and economic crises.

(b) REQUIREMENT FOR REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that describes United States policy toward Haiti. The report shall include the following:

(1) A description of the activities carried out by the United States Government to resolve Haiti's political crisis and to promote the holding of free and fair elections in Haiti at the earliest possible date.

(2) A description of the activities that the United States Government anticipates initiating to resolve the political crisis and promote free and fair elections in Haiti.

(3) An assessment of whether Resolution 822 issued by the Permanent Council of the Organization of American States on September 4, 2002, is still an appropriate framework for a multilateral approach to resolving the political and economic crises in Haiti, and of the likelihood that the Organization of American States will develop a new framework to replace Resolution 822.

(4) A description of the status of efforts to release the approximately \$146,000,000 in loan funds that have been approved by the Inter-

American Development Bank to Haiti for the purposes of rehabilitating rural roads, reorganizing the health sector, improving potable water supply and sanitation, and providing basic education, a description of any obstacles that are delaying the release of the loan funds, and recommendations for overcoming such obstacles, including whether any of the following would facilitate the release of such funds:

(A) Establishing an International Monetary Fund staff monitoring program in Haiti.

(B) Obtaining bridge loans or other sources of funding to pay the cost of any arrears owed by the Government of Haiti to the Inter-American Development Bank.

(C) Providing technical assistance to the Government of Haiti to permit the Government to meet international financial transparency requirements.

#### SEC. 806. VICTIMS OF VIOLENT CRIME ABROAD.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on services overseas for United States citizens or nationals of the United States who are victims of violent crime abroad. The report shall include—

(1) a proposal for providing increased services to victims of violent crime, including information on—

(A) any organizational changes necessary to provide such an increase; and

(B) the personnel and budgetary resources necessary to provide such an increase; and

(2) proposals for funding and administering financial compensation for United States citizens or nationals of the United States who are victims of violent crime outside the United States similar to victims compensation programs under the terms of the Crime Victims Fund (42 U.S.C. 10601).

(b) ESTABLISHMENT OF A DATABASE.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a database to maintain statistics on incidents of violent crime against United States citizens or nationals of the United States abroad that are reported to United States missions.

(c) DEFINITIONS.—In this section—

(1) the term “violent crime” means murder, non-negligent manslaughter, forcible rape, robbery, or aggravated assault; and

(2) the term “national of the United States” has the same meaning given the term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

#### SEC. 807. LIMITATION ON USE OF FUNDS RELATING TO UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this division may be expended for the operation of any United States consulate or diplomatic facility in Jerusalem that is not under the supervision of the United States Ambassador to Israel.

(b) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this division may be available for the publication of any official document of the United States that lists countries, including Israel, and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

#### SEC. 808. REQUIREMENT FOR ADDITIONAL REPORT CONCERNING EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.

Section 215(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 116 Stat. 1366) is amended by inserting “and again not later than 60 days after the date of the enactment of the Foreign Re-

lations Authorization Act, Fiscal Year 2004,” after “Act,” in the matter preceding paragraph (1).

#### SEC. 809. UNITED STATES POLICY REGARDING THE RECOGNITION OF A PALESTINIAN STATE.

Congress reaffirms the policy of the United States as articulated in President George W. Bush's speech of June 24, 2002, regarding the criteria for recognizing a Palestinian state. Congress reiterates the President's statement that the United States will not recognize a Palestinian state until the Palestinians elect new leadership that—

(1) is not compromised by terrorism;

(2) demonstrates, over time, a firm and tangible commitment to peaceful co-existence with the State of Israel and an end to anti-Israel incitement; and

(3) takes appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including dismantling terrorist infrastructures, confiscating unlawful weaponry, and establishing a new security entity that cooperates fully with appropriate Israeli security organizations.

#### SEC. 810. MIDDLE EAST BROADCASTING NETWORK.

(a) AUTHORITY.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 309 the following new section:

##### “SEC. 310. MIDDLE EAST BROADCASTING NETWORK.

“(a) AUTHORITY.—Grants authorized under section 305 shall be available to make annual grants to a Middle East Broadcasting Network for the purpose of carrying out radio and television broadcasting to the Middle East region.

“(b) FUNCTION.—The Middle East Broadcasting Network shall provide radio and television programming to the Middle East region consistent with the broadcasting standards and broadcasting principles set forth in section 303 of this Act.

“(c) GRANT AGREEMENT.—Any grant agreement or grants under this section shall be subject to the following limitations and restrictions:

“(1) The Board may not make any grant to the nonprofit corporation, Middle East Broadcasting Network, unless its certificate of incorporation provides that—

“(A) the Board of Directors of the Middle East Broadcasting Network shall consist of the members of the Broadcasting Board of Governors established under section 304 and of no other members; and

“(B) such Board of Directors shall make all major policy determinations governing the operation of the Middle East Broadcasting Network, and shall appoint and fix the compensation of such managerial officers and employees of the Middle East Broadcasting Network as it considers necessary to carry out the purposes of the grant provided under this title, except that no officer or employee may be paid a salary or other compensation in excess of the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(2) Any grant agreement under this section shall require that any contract entered into by the Middle East Broadcasting Network shall specify that obligations are assumed by the Middle East Broadcasting Network and not the United States Government.

“(3) Any grant agreement shall require that any lease agreement entered into by the Middle East Broadcasting Network shall be, to the maximum extent possible, assignable to the United States Government.

“(4) Grants awarded under this section shall be made pursuant to a grant agreement which requires that grant funds be used only for activities consistent with this section,

and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.

“(5) Duplication of language services and technical operations between the Middle East Broadcasting Network (including Radio Sawa), RFE/RL, and the International Broadcasting Bureau will be reduced to the extent appropriate, as determined by the Board.

“(d) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this title may be construed to make the Middle East Broadcasting Network a Federal agency or instrumentality, nor shall the officers or employees of the Middle East Broadcasting Network be deemed to be officers or employees of the United States Government.

“(e) AUDIT AUTHORITY.—

“(1) IN GENERAL.—Such financial transactions of the Middle East Broadcasting Network as relate to functions carried out under this section may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Middle East Broadcasting Network are normally kept.

“(2) ACCESS TO RECORDS.—Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by the Middle East Broadcasting Network pertaining to such financial transactions as necessary to facilitate an audit. Such representatives shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Middle East Broadcasting Network shall remain in the custody of the Middle East Broadcasting Network.

“(3) INSPECTOR GENERAL.—Notwithstanding any other provisions of law, the Inspector General of the Department of State and the Foreign Service is authorized to exercise the authorities of the Inspector General Act with respect to the Middle East Broadcasting Network.”.

(b) CONFORMING AMENDMENTS.—

(1) AUTHORITIES OF BOARD.—Section 305 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204), is amended—

(A) in paragraph (5) of subsection (a), by striking “and 309” and inserting “, 309, and 310”;

(B) in paragraph (6) of subsection (a), by striking “and 309” and inserting “, 309, and 310”; and

(C) in subsection (c), by striking “and 309” and by inserting “, 309, and 310”.

(2) INTERNATIONAL BROADCASTING BUREAU.—Section 307 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6206), is amended—

(A) in subsection (a), by striking “and 309” and inserting “, 309, and 310”; and

(B) in subsection (c), by inserting “, and Middle East Broadcasting Network,” after “Asia”.

(3) IMMUNITY FOR LIABILITY.—Section 304(g) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(g)), is amended—

(A) by striking “and” after “Incorporated”, and by inserting a comma; and

(B) by adding “, and Middle East Broadcasting Network” after “Asia”.

(4) CREDITABLE SERVICE.—Section 8332(b)(11) of title 5, United States Code, is

amended by adding "Middle East Broadcasting Network," after "the Asia Foundation";".

**SEC. 811. SENSE OF CONGRESS RELATING TO INTERNATIONAL AND ECONOMIC SUPPORT FOR A SUCCESSOR REGIME IN IRAQ.**

(a) FINDINGS.—Congress makes the following findings:

(1) A peaceful and prosperous Iraq will benefit the entire international community.

(2) Winning the peace in Iraq will require the support of the international community, including the assistance of the United Nations and the specialized agencies of the United Nations.

(3) While Iraq's long-term economic prospects are good, the short-term economic situation will be difficult.

(4) Iraq has an estimated \$61,000,000,000 in foreign debt, approximately \$200,000,000,000 in pending reparations claims through the United Nations Compensation Commission, and an unknown amount of potential liability for terrorism-related claims brought in United States courts.

(5) The revenue from the export of oil from Iraq is projected to be less than \$15,000,000,000 each year for the years 2004, 2005, and 2006.

(b) SENSE OF CONGRESS ON A SUCCESSOR REGIME IN IRAQ.—It is the sense of Congress that—

(1) the President should be commended for seeking the support of the international community to build a stable and secure Iraq;

(2) the President's position that the oil resources of Iraq, and the revenues derived therefrom, are the sovereign possessions of the people of Iraq should be supported; and

(3) the President should pursue measures, in cooperation with other nations, to protect an interim or successor regime in Iraq, to the maximum extent possible, from the negative economic implications of indebtedness incurred by the regime of Saddam Hussein, and to assist in developing a resolution of all outstanding claims against Iraq.

**SEC. 812. SENSE OF CONGRESS RELATING TO MAGEN DAVID ADOM SOCIETY.**

It is the sense of Congress that, in light of the findings of fact set out in section 690(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 116 Stat. 1414) and the fact that the Federation of Red Cross and Red Crescent Societies has not granted full membership to the Magen David Adom Society, the United States should continue to press for full membership for the Magen David Adom Society in the International Red Cross Movement.

**SEC. 813. SENSE OF CONGRESS ON CLIMATE CHANGE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Evidence continues to build that increases in atmospheric concentrations of man-made greenhouse gases are contributing to global climate change.

(2) The Intergovernmental Panel on Climate Change (IPCC) has concluded that "there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities" and that the average temperature on Earth can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century.

(3) The National Academy of Sciences confirmed the findings of the IPCC, stating that "the IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase of greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue" and that "there is general agreement that the observed warming is real and particularly strong within the past twenty years". The National Academy of Sciences also noted that "because there is

considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols, current estimates of the magnitude of future warming should be regarded as tentative and subject to future adjustments upward or downward".

(4) The IPCC has stated that in the last 40 years the global average sea level has risen, ocean heat content has increased, and snow cover and ice extent have decreased, which threatens to inundate low-lying island nations and coastal regions throughout the world.

(5) In October 2000, a United States Government report found that global climate change may harm the United States by altering crop yields, accelerating sea-level rise, and increasing the spread of tropical infectious diseases.

(6) In 1992, the United States ratified the United Nations Framework Convention on Climate Change (UNFCCC), the ultimate objective of which is the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner".

(7) The UNFCCC stated in part that the Parties to the Convention are to implement policies "with the aim of returning . . . to their 1990 levels anthropogenic emissions of carbon dioxide and other greenhouse gases" under the principle that "policies and measures . . . should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change".

(8) There is a shared international responsibility to address this problem, as industrial nations are the largest historic and current emitters of greenhouse gases, and developing nations' emissions will significantly increase in the future.

(9) The UNFCCC further stated that "developed country Parties should take the lead in combating climate change and the adverse effects thereof", as these nations are the largest historic and current emitters of greenhouse gases. The UNFCCC also stated that "steps required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas".

(10) Senate Resolution 98 of the One Hundred Fifth Congress, which expressed that developing nations must also be included in any future, binding climate change treaty and such a treaty must not result in serious harm to the United States economy, should not cause the United States to abandon its shared responsibility to help reduce the risks of climate change and its impacts. Future international efforts in this regard should focus on recognizing the equitable responsibilities for addressing climate change by all nations, including commitments by the largest developing country emitters in a future, binding climate change treaty.

(11) While the United States has elected not to become a party to the Kyoto Protocol at this time, it is the position of the United States that it will not interfere with the plans of any nation that chooses to ratify and implement the Kyoto Protocol to the UNFCCC.

(12) American businesses need to know how governments worldwide will address the risks of climate change.

(13) The United States benefits from investments in the research, development, and deployment of a range of clean energy and efficiency technologies that can reduce the risks of climate change and its impacts and that can make the United States economy more productive, bolster energy security, create jobs, and protect the environment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should demonstrate international leadership and responsibility in reducing the health, environmental, and economic risks posed by climate change by—

(1) taking responsible action to ensure significant and meaningful reductions in emissions of greenhouse gases from all sectors;

(2) creating flexible international and domestic mechanisms, including joint implementation, technology deployment, tradable credits for emissions reductions and carbon sequestration projects that will reduce, avoid, and sequester greenhouse gas emissions;

(3) participating in international negotiations, including putting forth a proposal to the Conference of the Parties, with the objective of securing United States participation in a future binding climate change Treaty in a manner that is consistent with the environmental objectives of the UNFCCC, that protects the economic interests of the United States, and that recognizes the shared international responsibility for addressing climate change, including developing country participation; and

(4) establishing a bipartisan Senate observer group designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to monitor any international negotiations on climate change, to ensure that the advice and consent function of the Senate is exercised in a manner so as to facilitate timely consideration of any new treaty submitted to the Senate.

**SEC. 814. EXTENSION OF AUTHORIZATION OF APPROPRIATION FOR THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.**

Section 207(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6435(a)) is amended by striking "2003" and inserting "2004".

**TITLE IX—PEACE CORPS CHARTER FOR THE 21ST CENTURY**

**SEC. 901. SHORT TITLE.**

This title may be cited as the "Peace Corps Charter for the 21st Century Act".

**SEC. 902. FINDINGS.**

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service of United States volunteers abroad.

(2) The Peace Corps has sought to fulfill three goals, as follows:

(A) To help people in developing nations meet basic needs.

(B) To promote understanding of America's values and ideals abroad.

(C) To promote an understanding of other peoples by Americans.

(3) The three goals, which are codified in the Peace Corps Act, have guided the Peace Corps and its volunteers over the years, and worked in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(4) Since its establishment, approximately 165,000 Peace Corps volunteers have served in 135 countries.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier

international service organization dedicated to promoting grassroots development.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote peace, friendship, and international understanding.

(7) The Peace Corps is currently operating with an annual budget of \$275,000,000 in 70 countries with 7,000 Peace Corps volunteers.

(8) The Peace Corps is an independent agency, and therefore no Peace Corps personnel or volunteers should be used to accomplish any goal other than the goals established by the Peace Corps Act.

(9) The Crisis Corps has been an effective tool in harnessing the skills and talents for returned Peace Corps volunteers and should be expanded to utilize to the maximum extent the talent pool of returned Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation about American values and ideals in many parts of the world, particularly those with substantial Muslim populations, and a greater Peace Corps presence in such places could foster greater understanding and tolerance.

(11) Congress has declared that the Peace Corps should be expanded to sponsor a minimum of 10,000 Peace Corps volunteers.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service.

(13) Any expansion of the Peace Corps must not jeopardize the quality of the Peace Corps volunteer experience, and therefore can only be accomplished by an appropriate increase in field and headquarters support staff.

(14) In order to ensure that proposed expansion of the Peace Corps preserves the integrity of the program and the security of volunteers, the integrated Planning and Budget System supported by the Office of Planning and Policy Analysis should continue its focus on strategic planning.

(15) A streamlined, bipartisan National Peace Corps Advisory Council composed of distinguished returned Peace Corps volunteers and other individuals, with diverse backgrounds and expertise, can be a source of ideas and suggestions that may be useful to the Director of the Peace Corps in discharging the Director's duties and responsibilities.

#### SEC. 903. DEFINITIONS.

In this title:

(1) **DIRECTOR.**—The term "Director" means the Director of the Peace Corps.

(2) **PEACE CORPS VOLUNTEER.**—The term "Peace Corps volunteer" means a volunteer or a volunteer leader under the Peace Corps Act.

(3) **RETURNED PEACE CORPS VOLUNTEER.**—The term "returned Peace Corps volunteer" means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

#### SEC. 904. STRENGTHENED INDEPENDENCE OF THE PEACE CORPS.

(a) **RECRUITMENT OF VOLUNTEERS.**—Section 2A of the Peace Corps Act (22 U.S.C. 2501-1) is amended by adding at the end the following new sentence: "As the Peace Corps is an independent agency, all recruiting of volunteers shall be undertaken primarily by the Peace Corps."

(b) **DETAILS AND ASSIGNMENTS.**—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by inserting after "Provided, That" the following: "such detail or assignment does not contradict the standing of Peace Corps volunteers as being independent: *Provided further, That*."

#### SEC. 905. REPORTS AND CONSULTATIONS.

(a) **ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.**—The Peace Corps Act is

amended by striking the heading for section 11 (22 U.S.C. 2510) and all that follows through the end of such section and inserting the following:

#### "SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.

"(a) **ANNUAL REPORTS.**—The Director shall transmit to Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain—

"(1) a description of efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

"(A) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

"(B) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations;

"(2) a description of—

"(A) any major new initiatives that the Peace Corps has under review for the upcoming fiscal year, and any major initiatives that were undertaken in the previous fiscal year that were not included in prior reports to Congress;

"(B) the rationale for undertaking such new initiatives;

"(C) an estimate of the cost of such initiatives; and

"(D) any impact such initiatives may have on the safety of volunteers; and

"(3) a description of standard security procedures for any country in which the Peace Corps operates programs or is considering doing so, as well as any special security procedures contemplated because of changed circumstances in specific countries, and assessing whether security conditions would be enhanced—

"(A) by collocating volunteers with international or local nongovernmental organizations; or

"(B) with the placement of multiple volunteers in one location.

"(b) **CONSULTATIONS ON NEW INITIATIVES.**—The Director of the Peace Corps should consult with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives with respect to any major new initiatives not previously discussed in the latest annual report submitted to Congress under subsection (a) or in budget presentations. Whenever possible, such consultations should take place prior to the initiation of such initiatives, but in any event as soon as is practicable thereafter."

(b) **ONE-TIME REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.**—Not later than 30 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report containing—

(1) a description of the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service;

(2) a comparison of such programs with other Government-sponsored student loan forgiveness programs; and

(3) recommendations for any additional student loan forgiveness programs that could attract more applicants from more low- and middle-income applicants facing high student loan obligations.

#### SEC. 906. INCREASING THE NUMBER OF VOLUNTEERS.

(a) **REQUIREMENT.**—The Director shall develop a plan to increase the number of Peace Corps volunteers to a number that is not less than twice the number of Peace Corps volunteers who were enrolled in the Peace Corps on September 30, 2002.

(b) **REPORT ON INCREASING THE NUMBER OF VOLUNTEERS.**—

(1) **INITIAL REPORT.**—Not later than 30 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report describing in detail the Director's plan for increasing the number of Peace Corps volunteers as described in subsection (a), including a five-year budget plan for funding such increase in the number of volunteers.

(2) **SUBSEQUENT REPORTS.**—Not later than January 31 of each year in which the number of Peace Corps volunteers is less than twice the number of Peace Corps volunteers who were enrolled in the Peace Corps on September 30, 2002, the Director shall submit to the appropriate congressional committees an update on the report described in paragraph (1).

#### SEC. 907. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR COUNTRIES WHOSE GOVERNMENTS ARE SEEKING TO FOSTER GREATER UNDERSTANDING BETWEEN THEIR CITIZENS AND THE UNITED STATES.

(a) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report describing the initiatives that the Peace Corps intends to pursue with eligible countries where the presence of Peace Corps volunteers would facilitate a greater understanding that there exists a universe of commonly shared human values and aspirations. Such report shall include—

(1) a description of the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in such countries; and

(2) a list of the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) **USE OF RETURNED PEACE CORPS VOLUNTEERS.**—Notwithstanding any other provision of law, the Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers having language and cultural expertise, including those returned Peace Corps volunteers who may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

#### SEC. 908. GLOBAL INFECTIOUS DISEASES INITIATIVE.

The Director, in cooperation with international public health experts such as experts of the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local public health officials, shall develop a program of training for all Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases in order to ensure that all Peace Corps volunteers make a contribution to the global campaign against such diseases.

#### SEC. 909. PEACE CORPS NATIONAL ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511) is amended—

(1) in subsection (b)(2) by striking subparagraph (D) and inserting the following:

“(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers in fulfilling the goals of the Peace Corps.”;

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) in the first sentence, by striking “fifteen” and inserting “seven”; and

(ii) by striking the second sentence and inserting the following: “Four of the members shall be former Peace Corps volunteers, at least one of whom shall have been a former staff member abroad or in the Washington headquarters, and not more than four shall be members of the same political party.”;

(B) by striking subparagraph (D) and inserting the following:

“(D) The members of the Council shall be appointed for 2-year terms.”;

(C) by striking subparagraphs (B) and (H); and

(D) by redesignating subparagraphs (C), (D), (E), (F), (G), and (I) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively;

(3) by striking subsection (g) and inserting the following:

“(g) CHAIR.—The President shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a period not to exceed two years.”;

(4) by striking subsection (h) and inserting the following:

“(h) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter at a date and time to be determined by the Chair of the Council.”; and

(5) by striking subsection (i) and inserting the following:

“(i) REPORT.—Not later than July 30 of each year, the Council shall submit a report to the President and the Director of the Peace Corps describing how the Council has carried out its functions under subsection (b)(2).”.

#### SEC. 910. READJUSTMENT ALLOWANCES.

(a) INCREASED RATES.—The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking “\$125” and inserting “\$275”; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking “\$125” and inserting “\$275”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

#### SEC. 911. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS TO PROMOTE THE GOALS OF THE PEACE CORPS.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop and carry out programs and projects to promote the third purpose of the Peace Corps Act, as set forth in section 2(a) of that Act (22 U.S.C. 2501(a)), relating to promoting an understanding of other peoples on the part of the American people.

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

(1) GRANT AUTHORITY.—The Chief Executive Officer of the Corporation for National and Community Service (hereafter in the section referred to as the “Corporation”) shall award grants on a competitive basis to private nonprofit corporations for the purpose of enabling returned Peace Corps volunteers to use their knowledge and expertise to develop programs and projects to carry out the purpose described in subsection (a).

(2) PROGRAMS AND PROJECTS.—The programs and projects that may receive grant funds under this section include—

(A) educational programs designed to enrich the knowledge and interest of elementary school and secondary school students in the geography and cultures of other countries where the volunteers have served;

(B) projects that involve partnerships with local libraries to enhance community knowledge about other peoples and countries; and

(C) audio-visual projects that utilize materials collected by the volunteers during their service that would be of educational value to communities.

(3) ELIGIBILITY.—To be eligible for a grant under this section, a nonprofit corporation shall have a board of directors composed of returned Peace Corps volunteers with a background in community service, education, or health. The nonprofit corporation shall meet all management requirements that the Corporation determines appropriate and prescribes as conditions for eligibility for the grant.

(c) GRANT REQUIREMENTS.—A grant under this section shall be made pursuant to a grant agreement between the Corporation and the nonprofit corporation that—

(1) requires grant funds be used only to support programs and projects to carry out the purpose described in subsection (a) through the funding of proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) requires the nonprofit corporation to give preferential consideration to proposals submitted by returned Peace Corps volunteers that request less than \$100,000 to carry out a program or project;

(3) requires that not more than 20 percent of the grant funds made available to the nonprofit corporation be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation;

(4) prohibits the nonprofit corporation from receiving grant funds for more than 2 years unless, beginning in the third year, the nonprofit corporation makes available, to carry out the programs or projects that receive grant funds during that year, non-Federal contributions—

(A) in an amount not less than \$2 for every \$3 of Federal funds provided through the grant; and

(B) provided directly or through donations from private entities, in cash or in kind, fairly evaluated, including plant, equipment, or services; and

(5) requires the nonprofit corporation to manage, monitor, and report to the Corporation on the progress of each program or project for which the nonprofit corporation provides funding from a grant under this section.

(d) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the Federal Government or to make any member of the board of directors or any officer or employee of such nonprofit corporation an officer or employee of the United States.

(e) FACTORS IN AWARDED GRANTS.—In determining the number of nonprofit corporations to receive grants under this section for any fiscal year, the Corporation shall—

(1) consider the need to minimize overhead costs and maximize resources available to fund programs and projects; and

(2) seek to ensure that programs and projects receiving grant funds are carried out across a broad geographical distribution.

(f) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

(g) FUNDING.—

(1) IN GENERAL.—In addition to any other funds made available to the Corporation under any other provision of law, there is authorized to be appropriated to the Corporation to carry out this section, \$10,000,000.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

#### SEC. 912. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended—

(1) by striking “2002, and” and inserting “2002.”; and

(2) by inserting before the period at the end the following: “. \$359,000,000 for fiscal year 2004, \$401,000,000 for fiscal year 2005, \$443,000,000 for fiscal year 2006, and \$485,000,000 for fiscal year 2007”.

#### DIVISION B—FOREIGN ASSISTANCE AUTHORIZATIONS

##### SEC. 2001. SHORT TITLE.

This division may be cited as the “Foreign Assistance Authorization Act, Fiscal Year 2004”.

#### TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

##### Subtitle A—Development Assistance and Related Programs Authorizations

##### SEC. 2101. DEVELOPMENT ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for “Development Assistance”, \$1,360,000,000 for fiscal year 2004 to carry out sections 103, 105, 106, and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, 2151d, and 2293).

(b) AVAILABILITY.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for such purposes.

(c) REPEAL OF OBSOLETE AUTHORIZATIONS.—

(1) AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION.—Section 103(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a(a)) is amended—

(A) by striking “(a)(1)” and inserting “(a)”;

(B) by striking paragraphs (2) and (3); and

(C) by redesignating subparagraphs (A), (B), and (C), as paragraphs (1), (2), and (3), respectively.

(2) EDUCATION AND HUMAN RESOURCES DEVELOPMENT.—Section 105(a) of such Act (22 U.S.C. 2151c(a)) is amended by striking the second sentence.

(3) ENERGY, PRIVATE VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES.—Section 106 of such Act (22 U.S.C. 2151d) is amended by striking subsections (e) and (f).

(d) TECHNICAL AMENDMENT OF DEVELOPMENT FUND FOR AFRICA.—Section 497 of the Foreign Assistance Act of 1961 (22 U.S.C. 2294) is amended by striking “AUTHORIZATIONS OF APPROPRIATIONS FOR THE DEVELOPMENT FUND FOR AFRICA.—” and inserting “AVAILABILITY OF FUNDS.—”.

##### SEC. 2102. CHILD SURVIVAL AND HEALTH PROGRAMS FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President for “Child Survival and Health Programs Fund”, \$1,495,000,000 for fiscal year 2004 to carry out sections 104 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b and 2293). Amounts authorized to be appropriated under this section are in addition to amounts available under other provisions of law to combat the human immunodeficiency virus (HIV) or the acquired immune deficiency syndrome (AIDS).

(b) FAMILY PLANNING PROGRAMS.—Of the amount authorized to be appropriated under subsection (a), \$346,000,000 may be used for assistance under sections 104(b) and 496(i)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(b) and 2293(i)(3)).

(c) AVAILABILITY.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for such purposes.

(d) **REPEAL OF OBSOLETE AUTHORIZATIONS AND TECHNICAL AMENDMENTS.**—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended—

(1) in paragraph (2)—

(A) by striking subparagraphs (B) and (C); and

(B) by striking “(2)(A)” and inserting “(2)”; and

(2) in paragraph (3), by striking the last sentence.

#### **SEC. 2103. DEVELOPMENT CREDIT AUTHORITY.**

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 108 (22 U.S.C. 2151f) the following:

#### **“SEC. 108A. DEVELOPMENT CREDIT AUTHORITY.**

“(a) **FINDINGS.**—Congress makes the following findings:

“(1) Developing countries often have large reserves of privately held capital that are not being adequately mobilized and invested due to weak financial institutions and other market imperfections in such countries.

“(2) Partial loan guarantees, particularly when used as an integral part of a development strategy, are useful to leverage local private capital for development while reforming and strengthening developing country financial markets.

“(3) Requiring risk-sharing guarantees and limiting guarantee assistance to private lenders encourages such lenders to provide appropriate oversight and management of development projects funded with loans made by such lenders and, thereby, maximize the benefit which such projects will achieve.

“(b) **POLICY.**—It is the policy of the United States to make partial loan guarantees available to private lenders to fund development projects in developing countries that encourage such lenders to provide appropriate oversight and management of such development projects.

“(c) **AUTHORITY.**—To carry out the policy set forth in subsection (b), the President is authorized to provide assistance in the form of loans and partial loan guarantees to private lenders in developing countries to achieve the economic development purposes of the provisions of this part.

“(d) **PRIORITY FOR ASSISTANCE.**—The President, in providing assistance under this section, shall give priority to providing partial loan guarantees made pursuant to the authority in subsection (c) that are used in transactions in which the financial risk of loss to the United States Government under such guarantee does not exceed the financial risk of loss of the private lender that receives such guarantee.

“(e) **TERMS AND CONDITIONS.**—Assistance provided under this section shall be provided on such terms and conditions as the President determines appropriate.

“(f) **OBLIGATIONS OF THE UNITED STATES.**—A partial loan guarantee made under subsection (c) shall constitute an obligation, in accordance with the terms of such guarantee, of the United States of America and the full faith and credit of the United States of America is pledged for the full payment and performance of such obligation.

“(g) **PROCUREMENT PROVISIONS.**—Assistance may be provided under this section notwithstanding section 604(a).

“(h) **DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT.**—There is established on the books of the Treasury an account known as the Development Credit Authority Program Account. There shall be deposited into the account all amounts made available for providing assistance under this section, other

than amounts made available for administrative expenses to carry out this section. Amounts in the Account shall be available to provide assistance under this section.

“(i) **AVAILABILITY OF FUNDS.**—

“(1) **IN GENERAL.**—Of the amounts authorized to be available for the purposes of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151) and the Support for Eastern European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), not more than \$21,000,000 for fiscal year 2004 may be made available to carry out this section.

“(2) **TRANSFER OF FUNDS.**—Amounts made available under paragraph (1) may be transferred to the Development Credit Authority Program Account established by subsection (h) of such section.

“(3) **SUBSIDY COST.**—Amounts made available under paragraphs (1) and (2) shall be available for subsidy cost as defined in section 502(5) of the Federal Reform Credit Act of 1990 (2 U.S.C. 661a(5)) of activities under this section.

“(j) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There is authorized to be appropriated for administrative expenses to carry out this section \$8,000,000 for fiscal year 2004.

“(2) **TRANSFER OF FUNDS.**—The amounts appropriated for administrative expenses under paragraph (1) may be transferred to and merged with amounts made available under section 667(a).

“(k) **AVAILABILITY.**—Amounts appropriated or made available under this section are authorized to remain available until expended.”.

#### **SEC. 2104. PROGRAM TO PROVIDE TECHNICAL ASSISTANCE TO FOREIGN GOVERNMENTS AND FOREIGN CENTRAL BANKS OF DEVELOPING OR TRANSITION COUNTRIES.**

Section 129(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151aa(j)(1)) is amended by striking “\$5,000,000 for fiscal year 1999” and inserting “\$14,000,000 for fiscal year 2004”.

#### **SEC. 2105. INTERNATIONAL ORGANIZATIONS AND PROGRAMS.**

Section 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222) is amended to read as follows:

#### **“SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

“There is authorized to be appropriated to the President \$314,500,000 for fiscal year 2004 for grants to carry out the purposes of this chapter. Amounts appropriated pursuant to the authorization of appropriations in this section are in addition to amounts otherwise available for such purposes.”.

#### **SEC. 2106. CONTINUED AVAILABILITY OF CERTAIN FUNDS WITHHELD FROM INTERNATIONAL ORGANIZATIONS.**

Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) is amended by adding at the end the following new subsection:

“(e) Funds available in any fiscal year that are returned or not made available for organizations and programs because of the application of this section shall remain available for obligation until September 30 of the fiscal year after the fiscal year for which such funds are appropriated.”.

#### **SEC. 2107. INTERNATIONAL DISASTER ASSISTANCE.**

Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a(a)) is amended by striking “\$25,000,000 for fiscal year 1986 and \$25,000,000 for fiscal year 1987” and inserting “\$235,500,000 for fiscal year 2004”.

#### **SEC. 2108. TRANSITION INITIATIVES.**

Section 494 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292c) is amended to read as follows:

#### **“SEC. 494. TRANSITION AND DEVELOPMENT ASSISTANCE.**

“(a) **TRANSITION AND DEVELOPMENT ASSISTANCE.**—The President is authorized to furnish assistance to support the transition to democracy and to long-term development in accordance with the general authority contained in section 491, including assistance to—

“(1) develop, strengthen, or preserve democratic institutions and processes;

“(2) revitalize basic infrastructure; and

“(3) foster the peaceful resolution of conflict.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the President \$55,000,000 for fiscal year 2004 to carry out this section.

“(c) **AVAILABILITY.**—Amounts appropriated under this section for the purpose specified in subsection (b)—

“(1) are authorized to remain available until expended; and

“(2) are in addition to amounts otherwise available for such purpose.”.

#### **SEC. 2109. FAMINE ASSISTANCE.**

(a) **AUTHORITY.**—Chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292 et seq.), as amended by section 520, is amended by adding at the end the following new section:

#### **“SEC. 495. FAMINE ASSISTANCE.**

“(a) **AUTHORIZATION.**—The President is authorized to provide assistance for famine prevention and relief, including for famine prevention and for mitigation of the effects of famine.

“(b) **AUTHORITIES.**—Assistance authorized by subsection (a) shall be provided in accordance with the general authority contained in section 491.

“(c) **NOTIFICATION.**—The President shall transmit advance notification of any assistance to be provided under subsection (a) to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representative in accordance with section 634A (22 U.S.C. 2394-1).

“(d) **FAMINE FUND.**—There is established on the books of the Treasury an account to be known as the Famine Fund. There shall be deposited into the account all amounts made available for providing assistance under subsection (a). Amounts in the Fund shall be available to provide assistance under such subsection.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the President such sums as may be necessary for fiscal year 2004 to carry out this section.

“(f) **AVAILABILITY.**—Amounts appropriated under this section—

“(1) are authorized to remain available until expended; and

“(2) are in addition to amounts otherwise available for such purpose.”.

#### **SEC. 2110. ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the President for “Assistance for the Independent States of the Former Soviet Union”, \$646,000,000 for fiscal year 2004 to carry out chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq. and 2296 et seq.).

(b) **AVAILABILITY.**—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for such purposes.



**SEC. 2111. ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the President for "Assistance for Eastern Europe and the Baltic States" \$475,000,000 for fiscal year 2004 to carry out the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(b) **AVAILABILITY.**—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended;

(2) are in addition to amounts otherwise available for such purposes;

(3) may be made available notwithstanding any other provision of law; and

(4) shall be considered to be economic assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for purposes of making applicable the administrative authorities contained in that Act for the use of economic assistance.

**SEC. 2112. OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 667 of the Foreign Assistance Act of 1961 (22 U.S.C. 2427) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) \$750,400,000 for the fiscal year 2004 for necessary operating expenses of the United States Agency for International Development, of which \$146,300,000 is authorized to be appropriated for overseas construction and related costs and for enhancement of information technology and related investments; and"; and

(B) in paragraph (2) of such subsection, by striking "agency" and inserting "Agency";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) There are authorized to be appropriated to the President, in addition to funds available under subsection (a) or any other provision of law for such purposes—

"(1) \$35,000,000 for fiscal year 2004 for necessary operating expenses of the Office of Inspector General of the United States Agency for International Development; and

"(2) such amounts as may be necessary for increases in pay, retirement, and other employee benefits authorized by law for the employees of such Office, and for other nondiscretionary costs of such Office."

(b) **CONFORMING AMENDMENT.**—The heading of section 667 of the Foreign Assistance Act of 1961 (22 U.S.C. 2427) is amended by striking "EXPENSES.—" and inserting "EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—".

**Subtitle B—Counternarcotics, Security Assistance, and Related Programs Authorizations****SEC. 2121. COMPLEX FOREIGN CONTINGENCIES.**

Chapter 5 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2261) is amended by adding at the end the following new section:

**"SEC. 452. COMPLEX FOREIGN CRISES CONTINGENCY FUND.**

"(a) **ESTABLISHMENT OF FUND.**—There is hereby established on the books of the Treasury a fund to be known as the Complex Foreign Crises Contingency Fund (in this section referred to as the 'Fund') for the purpose described in subsection (b).

"(b) **PURPOSE.**—The purpose of the Fund is to provide the President with increased flexibility to respond to complex foreign crises, including the ability—

"(1) to provide support for peace and humanitarian intervention operations; and

"(2) to prevent or respond to foreign territorial disputes, armed ethnic or civil conflicts that pose threats to regional or international peace, and acts of ethnic cleansing, mass killings, and genocide.

"(c) **ELEMENTS.**—The Fund shall consist of amounts authorized to be appropriated to the Fund under subsection (g).

"(d) **AUTHORITY TO FURNISH ASSISTANCE.**—(1) Notwithstanding any other provision of law, whenever the President determines it to be important to the national interests of the United States, the President is authorized to furnish assistance using amounts in the Fund for the purpose of responding to a complex foreign crisis.

"(2) The authority to furnish assistance under paragraph (1) for the purpose specified in that paragraph is in addition to any other authority under law to furnish assistance for that purpose.

"(e) **LIMITATION ON USE OF FUNDS.**—No amounts in the Fund shall be available to respond to natural disasters.

"(f) **NOTICE OF EXERCISE OF AUTHORITY.**—The President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives at least 5 days before each exercise of the authority in this section in accordance with procedures applicable to reprogramming notifications pursuant to section 634A.

"(g) **AUTHORIZATION OF APPROPRIATIONS.**—(1) There is authorized to be appropriated to the President for fiscal year 2004 such sums as may be necessary to carry out this section.

"(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall be deposited in the Fund.

"(3) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended."

**SEC. 2122. INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT.**

(a) **AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2004.**—Paragraph (1) of section 482(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291a(a)) is amended by striking "\$147,783,000" and all that follows and inserting "\$985,000,000 for fiscal year 2004, of which \$700,000,000 is authorized to be appropriated for the Andean Counterdrug Initiative."

(b) **AVAILABILITY OF FUNDS FOR COLOMBIA.**—That section is further amended by adding at the end the following new paragraphs:

"(3) Notwithstanding any other provision of law, amounts authorized to be appropriated to carry out the purposes of section 481 for fiscal year 2004, and amounts appropriated for fiscal years before fiscal year 2004 for purposes of such section that remain available for obligation, may be used to furnish assistance to the Government of Colombia—

"(A) to support a unified campaign against narcotics trafficking and terrorist activities; and

"(B) to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

"(4) Assistance furnished to the Government of Colombia under this section—

"(A) shall be subject to the limitations on the assignment of United States personnel in Colombia under subsections (b) through (d) of section 3204 of the Emergency Supplemental Act, 2000 (division B of Public Law 106-246; 114 Stat. 576);

"(B) shall be subject to the condition that no United States Armed Forces personnel

and no employees of United States contractors participate in any combat operation in connection with such assistance; and

"(C) shall be subject to the condition that the Government of Colombia is fulfilling its commitment to the United States with respect to its human rights practices, including the specific conditions set forth in subparagraphs (A) through (E) of section 564(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003 (division E of Public Law 108-7; 117 Stat. 205)."

**SEC. 2123. ECONOMIC SUPPORT FUND.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 532(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346a(a)) is amended to read as follows:

"(a) There is authorized to be appropriated to the President to carry out the purposes of this chapter \$2,535,000,000 for fiscal year 2004."

(b) **AUTHORIZATION OF ASSISTANCE FOR ISRAEL.**—Section 513(b)(1) of the Security Assistance Act of 2000 (Public Law 106-280; 114 Stat. 856), as amended by section 1221(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 116 Stat. 1430), is further amended by striking "fiscal years 2002 and 2003" and inserting "fiscal years 2003 and 2004".

(c) **AUTHORIZATION OF ASSISTANCE FOR EGYPT.**—Section 514(b)(1) of the Security Assistance Act of 2000 (Public Law 106-280), as amended by section 1221(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 116 Stat. 1430), is further amended by striking "fiscal years 2002 and 2003" and inserting "fiscal years 2003 and 2004".

**SEC. 2124. INTERNATIONAL MILITARY EDUCATION AND TRAINING.**

Section 542 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347a) is amended by striking "There are authorized" and all that follows through "fiscal year 1987" and inserting "There is authorized to be appropriated to the President to carry out the purposes of this chapter \$91,700,000 for the fiscal year 2004".

**SEC. 2125. PEACEKEEPING OPERATIONS.**

Section 552(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(a)) is amended by striking "There are authorized" and all that follows through "fiscal year 1987" and inserting "There is authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, \$101,900,000 for the fiscal year 2004".

**SEC. 2126. NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED ASSISTANCE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the President for fiscal year 2004, \$485,200,000 for Nonproliferation, Anti-Terrorism, Demining, and Related Programs for the purpose of carrying out nonproliferation, anti-terrorism, demining, and related programs and activities under—

(1) chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.);

(2) chapter 9 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.);

(3) section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348), as amended by section 2212 of this Act, to the extent such assistance is used for activities identified in the last sentence of that section, including not to exceed \$675,000 for administrative expenses related to such activities, which amount shall be in addition to funds otherwise made available for such purposes;

(4) section 504 of the FREEDOM Support Act (22 U.S.C. 5854) and programs under the Nonproliferation and Disarmament Fund to

promote bilateral and multilateral activities relating to nonproliferation and disarmament, notwithstanding any other provision of law, including, when in the national security interests of the United States, with respect to international organizations and countries other than the independent states of the former Soviet Union;

(5) section 23 of the Arms Export Control Act (22 U.S.C. 2763), for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law;

(6) section 301 of the Foreign Assistance Act of 1961 (22 U.S.C. 2221);

(7) the Radiological Terrorism Threat Reduction Act of 2003 under title XII of this Act; and

(8) the Global Pathogen Surveillance Act of 2003 under title XIII of this Act.

(b) **AVAILABILITY.**—Amounts appropriated under this section for the purpose specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for that purpose.

#### **SEC. 2127. FOREIGN MILITARY FINANCING PROGRAM.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763), \$4,414,000,000 for fiscal year 2004.

(b) **ASSISTANCE FOR ISRAEL.**—Section 513 of the Security Assistance Act of 2000 (Public Law 106-280; 114 Stat. 856), as amended by section 1221(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 116 Stat. 1430), is further amended—

(1) in subsection (c)(1), by striking “fiscal years 2002 and 2003” and inserting “fiscal years 2003 and 2004”;

(2) in subsection (c)(3), by striking “Funds authorized” and all that follows through “later,” and inserting “Funds authorized to be available for Israel under subsection (b)(1) and paragraph (1) for fiscal year 2004 shall be disbursed not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2004, or October 31, 2004, whichever is later.”; and

(3) in subsection (c)(4)—

(A) by striking “fiscal years 2002 and 2003” and inserting “fiscal years 2003 and 2004”; and

(B) by striking “\$535,000,000 for fiscal year 2002 and not less than \$550,000,000 for fiscal year 2003” and inserting “\$550,000,000 for fiscal year 2003 and not less than \$565,000,000 for fiscal year 2004”.

(c) **ASSISTANCE FOR EGYPT.**—Section 514 of the Security Assistance Act of 2000 (Public Law 106-280; 114 Stat. 857), as amended by section 1221(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (116 Stat. 1430), is further amended—

(1) in subsection (c) by striking “fiscal years 2002 and 2003” and inserting “fiscal years 2003 and 2004”; and

(2) in subsection (e), by striking “Funds estimated” and all that follows through “of the respective fiscal year, whichever is later” and inserting the following: “Funds estimated to be outlayed for Egypt under subsection (c) during fiscal year 2004 shall be disbursed to an interest-bearing account for Egypt in the Federal Reserve Bank of New York not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2004, or by October 31, 2003, whichever is later”.

### **Subtitle C—Independent Agencies Authorizations**

#### **SEC. 2131. INTER-AMERICAN FOUNDATION.**

Section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)(2)) is amended by striking “There are authorized to be appropriated \$28,000,000 for fiscal year 1992 and \$31,000,000 for fiscal year 1993” and inserting “There is authorized to be appropriated \$15,185,000 for fiscal year 2004”.

#### **SEC. 2132. AFRICAN DEVELOPMENT FOUNDATION.**

The first sentence of section 510 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h-8) is amended by striking “\$3,872,000 for fiscal year 1986 and \$3,872,000 for fiscal year 1987” and inserting “\$17,689,000 for fiscal year 2004”.

### **Subtitle D—Multilateral Development Bank Authorizations**

#### **SEC. 2141. CONTRIBUTION TO THE SEVENTH REPLENISHMENT OF THE ASIAN DEVELOPMENT FUND.**

The Asian Development Bank Act (22 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

##### **“SEC. 31. SEVENTH REPLENISHMENT.**

“(a) **AUTHORIZATION TO CONTRIBUTE.**—The United States Governor of the Bank is authorized to contribute, on behalf of the United States, \$412,000,000 to the seventh replenishment of the Asian Development Fund, a special fund of the Bank, except that any commitment to make the contribution authorized by this subsection shall be made subject to obtaining the necessary appropriations.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—In order to pay for the United States contribution authorized by subsection (a), there is authorized to be appropriated without fiscal year limitation, \$412,000,000 for payment by the Secretary of the Treasury.”.

#### **SEC. 2142. CONTRIBUTION TO THE THIRTEENTH REPLENISHMENT OF THE INTERNATIONAL DEVELOPMENT ASSOCIATION.**

The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

##### **“SEC. 22. THIRTEENTH REPLENISHMENT.**

“(a) **AUTHORIZATION TO CONTRIBUTE.**—The United States Governor is authorized to contribute, on behalf of the United States, \$2,850,000,000 to the thirteenth replenishment of the Association, except that any commitment to make the contribution authorized by this subsection shall be made subject to obtaining the necessary appropriations.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—In order to pay for the United States contribution authorized by subsection (a), there is authorized to be appropriated without fiscal year limitation, \$2,850,000,000 for payment by the Secretary of the Treasury.

“(c) **TRANSPARENCY.**—

“(1) **POLICY.**—It is the policy of the United States that each multilateral development institution that has a United States Executive Director should—

“(A) not later than 60 days after the date on which the minutes of a meeting of the Board of Directors are approved, post the minutes on the website of the multilateral development institution, with any material deemed too sensitive for public dissemination redacted;

“(B) for a period of at least 10 years beginning on the date of a meeting of a Board of Directors, keep and preserve a written transcript or electronic recording of such meeting;

“(C) not later than the later of 15 days prior to the date on which a Board of Directors will consider for endorsement or ap-

proval any public sector loan document, country assistance strategy, sector strategy, or sector policy prepared by a multilateral development institution or the date such documents are distributed to the Board, make such documents available to the public, with any material deemed too sensitive for public dissemination redacted;

“(D) make available on the website of the multilateral development institution an annual report that contains statistical summaries and case studies of the fraud and corruption cases pursued by the investigations unit of the multilateral development institution; and

“(E) require that any health, education, or poverty-focused loan, credit, grant, document, policy or strategy prepared by the multilateral development institution include specific outcome and output indicators to measure results, and that the results be published periodically during the performance of the project or program and at its completion.

“(2) **IMPLEMENTATION.**—The Secretary of the Treasury should instruct each United States Executive Director at a multilateral development institution—

“(A) to inform the multilateral development institution of the policy set out in subparagraphs (A) through (E) of paragraph (1); and

“(B) to work to implement the policy at the multilateral development institution not later than the scheduled conclusion of the thirteenth replenishment of the International Development Association on June 30, 2005.

“(3) **BRIEFING.**—The Secretary of the Treasury should brief, or send a representative of the Department of the Treasury to brief, the appropriate congressional committees, at the request of such committees, on the actions taken by each United States Executive Director at a multilateral development institution or by personnel of such institutions to implement the policy set out in subparagraphs (A) through (E) of paragraph (1).

“(4) **PUBLIC DISSEMINATION BY THE SECRETARY OF THE TREASURY.**—The Secretary of the Treasury should make available on the website of the Department of the Treasury—

“(A) not later than 60 days after the date of a meeting of a Board of Directors, any written statement presented by a United States Executive Director at such meeting related to a project for which—

“(i) a claim has been made to the multilateral development institution's inspection mechanism; or

“(ii) Board of Directors decisions on inspection mechanism cases are being taken; and

“(B) a record of all votes or abstentions made by a United States Executive Director on matters before a Board of Directors, on a monthly basis.

“(d) **DEFINITIONS.**—In this section:

“(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term ‘appropriate congressional committees’ means the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives.

“(2) **BOARD OF DIRECTORS.**—The term ‘Board of Directors’ means the Board of Directors of a multilateral development institution.

“(3) **MULTILATERAL DEVELOPMENT INSTITUTION.**—The term ‘multilateral development institution’ has the meaning given such term in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3)).”.

**SEC. 2143. CONTRIBUTION TO THE NINTH REPLENISHMENT OF THE AFRICAN DEVELOPMENT FUND.**

The African Development Fund Act (22 U.S.C. 290g et seq.) is amended by adding at the end the following new section:

**“SEC. 217. NINTH REPLENISHMENT.**

“(a) AUTHORIZATION TO CONTRIBUTE.—The United States Governor of the Fund is authorized to contribute, on behalf of the United States, \$354,000,000 to the ninth replenishment of the Fund, except that any commitment to make the contribution authorized by this subsection shall be made subject to obtaining the necessary appropriations.

“(b) AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution authorized by subsection (a), there is authorized to be appropriated, without fiscal year limitation, \$354,000,000 for payment by the Secretary of the Treasury.”.

**Subtitle E—Authorization for Iraq Relief and Reconstruction**

**SEC. 2151. AUTHORIZATION OF ASSISTANCE FOR RELIEF AND RECONSTRUCTION EFFORTS.**

(a) AUTHORIZATION.—The President is authorized to make available from the Iraq Relief and Reconstruction Fund established under the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11), \$2,475,000,000 for fiscal year 2003 for the purposes of providing humanitarian assistance in and around Iraq and carrying out the purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) with respect to the rehabilitation and reconstruction in Iraq.

(b) AUTHORIZED USES OF ASSISTANCE.—Assistance made available under subsection (a) may include funds for costs related to—

- (1) infrastructure related to water and sanitation services;
- (2) food and food distribution;
- (3) the support of relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including assistance for families of innocent Iraqi civilians who suffer losses as a result of military operations;
- (4) electricity;
- (5) health care;
- (6) telecommunications;
- (7) the development and implementation of economic and financial policy;
- (8) education;
- (9) transportation;
- (10) reforms to strengthen the rule of law and introduce and reinforce the principles and institutions of good governance;
- (11) humanitarian demining; and
- (12) agriculture.

(c) REIMBURSEMENT.—Funds made available under subsection (a) may be used to reimburse accounts administered by the Secretary of State, the Secretary of the Treasury, or the Administrator of the United States Agency for International Development for any amounts expended from each such account to provide humanitarian assistance in and around Iraq or for carrying out the purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) with respect to the rehabilitation and reconstruction in Iraq prior to the date of the enactment of this Act if such amounts have not been reimbursed with funds from any other source.

(d) POLICY.—It is the policy of the United States to work toward the full and active participation of women in the reconstruction of Iraq by promoting the involvement of women in—

- (1) all levels of the government in Iraq and its decision-making institutions;
- (2) the planning and distribution of assistance, including food aid; and
- (3) job promotion and training programs.

**SEC. 2152. REPORTING AND CONSULTATION.**

Any report required to be submitted to, and any consultation required to be engaged in with, the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives under the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11) with respect to funds appropriated to carry out section 2151 shall also be submitted to and engaged in with, respectively, the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

**SEC. 2153. SPECIAL ASSISTANCE AUTHORITY.**

(a) IN GENERAL.—Except as provided in subsection (b), assistance and other financing under this or any other Act may be provided to Iraq notwithstanding any other provision of law.

(b) NOTIFICATION OF PROGRAM CHANGES.—Section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) shall apply to the assistance and other financing described in subsection (a), except that the notification required by subsection (a) of such section with respect to an obligation of funds shall be transmitted not later than 5 days in advance of the obligation.

**SEC. 2154. INAPPLICABILITY OF CERTAIN RESTRICTIONS.**

(a) IRAQ SANCTIONS ACT.—

(1) AUTHORITY TO SUSPEND.—The President may suspend the application of any provision of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note).

(2) EXCEPTION.—Nothing in this section shall otherwise affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note), except that such Act shall not apply to humanitarian assistance and supplies.

(b) INAPPLICABILITY OF TERRORIST STATE RESTRICTIONS.—The President may make inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) and any other provisions of law that apply to countries that have provided support for terrorism.

(c) EXPORT OF NONLETHAL MILITARY EQUIPMENT.—

(1) AUTHORITY.—Notwithstanding any other provision of law except section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)), the President may authorize the export to Iraq of any nonlethal military equipment designated on the United States Munitions List and controlled under the International Trafficking in Arms Regulations established pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778), if, not later than 5 days prior to such export, the President determines and notifies the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that the export of such nonlethal military equipment is in the national interest of the United States.

(2) NONAPPLICABILITY OF LIMITATION.—The determination and notification requirement under paragraph (1) shall not apply to military equipment designated by the Secretary of State for use by a reconstituted or interim Iraqi military or police force.

(d) INTERNATIONAL ORGANIZATION ACTIVITIES WITH RESPECT TO IRAQ.—

(1) INTERNATIONAL ORGANIZATIONS AND PROGRAMS.—Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) shall not apply with respect to international organization programs for Iraq.

(2) INTERNATIONAL FINANCIAL INSTITUTIONS.—Provisions of law that direct the United States Government to vote against or oppose loans or other uses of funds from an

international financial institution, including for financial or technical assistance, shall not apply in the case of Iraq.

(e) NOTIFICATION OF EXERCISE OF AUTHORITIES.—

(1) NOTIFICATION.—Except as provided in subsection (c)(2), the President shall, not later than 5 days prior to exercising any of the authorities under or referred to in this section, submit a notification of such exercise of authority to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(2) REPORTING REQUIREMENT.—Not later than June 15, 2003, and every 90 days thereafter, the President shall submit to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives a report containing a summary of all licenses approved for the export to Iraq of any item on the Commerce Control List contained in supplement 1 to part 774 of title 15, Code of Federal Regulations, under the Export Administration Regulations, including the identification of the end users of such items.

**SEC. 2155. TERMINATION OF AUTHORITIES.**

The authorities contained in section 2153 and in subsections (a), (b), and (c) of section 2154 shall expire on the date that is 2 years after the date of the enactment of this Act.

**TITLE XXII—AMENDMENTS TO GENERAL FOREIGN ASSISTANCE AUTHORITIES**

**Subtitle A—Foreign Assistance Act Amendments and Related Provisions**

**SEC. 2201. DEVELOPMENT POLICY.**

Section 102(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151-1(b)) is amended—

(1) in paragraph (5), by—

(A) striking “development; and” and inserting “development;”; and

(B) inserting before the period at the end the following: “; democracy and the rule of law; and economic growth and the building of trade capacity”; and

(2) by adding at the end the following new paragraph:

“(18) The United States development assistance program should take maximum advantage of the increased participation of United States private foundations, business enterprises, and private citizens in funding international development activities. The program should utilize the development experience and expertise of its personnel, its access to host-country officials, and its overseas presence to facilitate public-private alliances and to leverage private sector resources toward the achievement of development assistance objectives.”.

**SEC. 2202. ASSISTANCE FOR NONGOVERNMENTAL ORGANIZATIONS.**

Section 123(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u(e)) is amended to read as follows:

“(e)(1) Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from—

“(A) funds made available to carry out this chapter and chapters 10, 11, and 12 of part I (22 U.S.C. 2293 et seq.) and chapter 4 of part II (22 U.S.C. 2346 et seq.); or

“(B) funds made available for economic assistance activities under the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

“(2) The President shall submit to Congress, in accordance with section 634A (22 U.S.C. 2394-1), advance notice of an intent to

obligate funds under the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations.

“(3) Assistance may not be furnished through nongovernmental organizations to the central government of a country under the authority of this subsection, but assistance may be furnished to local, district, or subnational government entities under such authority.”.

**SEC. 2203. AUTHORITY FOR USE OF FUNDS FOR UNANTICIPATED CONTINGENCIES.**

Section 451(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2261(a)(1)) is amended—

(1) by inserting “or the Arms Export Control Act (22 U.S.C. 2751 et seq.)” after “chapter 1 of this part”; and

(2) by striking “\$25,000,000” and inserting “\$50,000,000”.

**SEC. 2204. AUTHORITY TO ACCEPT LETHAL EXCESS PROPERTY.**

Section 482(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a(g)) is amended—

(1) by striking “(g) EXCESS PROPERTY.—For” and inserting the following:

“(g) EXCESS PROPERTY.—

“(1) AUTHORITY.—For”;

(2) by striking “nonlethal” and inserting “(including lethal or nonlethal property)”;

and

(3) by adding at the end the following new paragraph:

“(2) NOTIFICATION.—Before obligating any funds to obtain lethal excess property under paragraph (1), the Secretary shall submit a notification of such action to Congress in accordance with the procedures set forth in section 634A.”.

**SEC. 2205. RECONSTRUCTION ASSISTANCE UNDER INTERNATIONAL DISASTER ASSISTANCE AUTHORITY.**

Section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) is amended—

(1) in subsection (a), by striking “assistance for the relief and rehabilitation of” and inserting “relief, rehabilitation, and reconstruction assistance for”;

(2) in subsection (b), by striking “relief and rehabilitation” and inserting “relief, rehabilitation, and reconstruction”;

(3) in subsection (c), by striking “relief and rehabilitation” and inserting “relief, rehabilitation, and reconstruction assistance”.

**SEC. 2206. FUNDING AUTHORITIES FOR ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.**

Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) is amended—

(1) in section 498B(j)(1) (22 U.S.C. 2295b(j)(1))—

(A) by striking “authorized to be appropriated for fiscal year 1993 by” and inserting “made available to carry out”; and

(B) by striking “appropriated for fiscal year 1993”; and

(2) in section 498C(b)(1) (22 U.S.C. 2295c(b)(1)), by striking “under subsection (a)” and inserting “to carry out this chapter”.

**SEC. 2207. WAIVER OF NET PROCEEDS RESULTING FROM DISPOSAL OF UNITED STATES DEFENSE ARTICLES PROVIDED TO A FOREIGN COUNTRY ON A GRANT BASIS.**

Section 505(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(f)) is amended by striking “In the case of items which were delivered prior to 1985, the” in the second sentence and inserting “The”.

**SEC. 2208. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.**

(a) TRANSFERS FOR CONCESSIONS.—

(1) AUTHORITY.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22

U.S.C. 2231h), the President may transfer to Israel, in exchange for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) COVERED ITEMS.—The items referred to in paragraph (1) are armor, artillery, automatic weapons ammunition, missiles, and other munitions that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of enactment of this Act, are located in a stockpile in Israel.

(b) VALUE OF CONCESSIONS.—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) ADVANCE NOTIFICATION OF TRANSFERS.—Not later than 30 days before making a transfer under the authority of this section, the President shall transmit a notification of the proposed transfer to the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and Armed Services of the House of Representatives. The notification shall identify the items to be transferred and the concessions to be received.

(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section more than 5 years after the date of the enactment of this Act.

**SEC. 2209. ADDITIONS TO WAR RESERVE STOCKPILES FOR ALLIES FOR FISCAL YEAR 2004.**

Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

(1) in subparagraph (A), by striking “for fiscal year 2003” and inserting “for each of fiscal years 2003 and 2004”; and

(2) in subparagraph (B), by striking “for fiscal year 2003” and inserting “for a fiscal year”.

**SEC. 2210. RESTRICTIONS ON ECONOMIC SUPPORT FUNDS FOR LEBANON.**

Section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228, 116 Stat. 1432; 22 U.S.C. 2346 note) is amended by adding at the end the following subsection:

“(c) EXCEPTION.—Subsection (a) does not apply to assistance made available to address the needs of southern Lebanon.”.

**SEC. 2211. ADMINISTRATION OF JUSTICE.**

Section 534 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346c) is amended—

(1) in subsection (a), by striking “in countries in Latin America and the Caribbean”;

(2) in subsection (b)(3)—

(A) in subparagraph (C), by striking “and”;

(B) in subparagraph (D), by inserting “and”;

(C) by adding at the end the following new subparagraph:

“(E) programs to enhance the protection of participants in judicial cases;”;

(3) by striking subsection (c);

(4) in subsection (e), by striking the second and third sentences; and

(5) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

**SEC. 2212. DEMINING PROGRAMS.**

(a) CLARIFICATION OF AUTHORITY.—Section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348) is amended—

(1) in the second sentence, by striking “Such assistance may include reimbursements” and inserting “Such assistance may include the following:

“(1) Reimbursements”; and

(2) by adding at the end the following:

“(2) Demining activities, clearance of unexploded ordnance, destruction of small arms, and related activities, notwithstanding any other provision of law.”.

(b) DISPOSAL OF DEMINING EQUIPMENT.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes, may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President determines appropriate.

(c) LANDMINE AWARENESS PROGRAM FOR THE CHILDREN OF AFGHANISTAN AND OTHER CHILDREN AT RISK IN AREAS OF CONFLICT.—

(1) FINDINGS.—Congress makes the following findings:

(A) Most landmines in Afghanistan were laid between 1980 and 1992.

(B) Additional landmines were laid between 1992 and 1996, during the conflict between the Taliban and the Northern Alliance.

(C) United States bombings against the Taliban in 2001 and 2002 further increased the unexploded ordnance and cluster bombs throughout Afghanistan.

(D) The clearance of landmines is a slow and expensive process.

(E) Certain types of landmines and other unexploded ordnance are small, brightly colored, and attractive to children.

(F) More than 150 Afghans, many of them children, are injured every month by these weapons.

(G) In 2003, reconstituted Taliban forces have sought out and attacked workers clearing landmines, in an attempt to discredit the Government of President Karzai and the United States military presence.

(H) In May 2003, after a string of Taliban attacks in which mine removal workers were killed or seriously injured, the United Nations suspended all mine-clearing operations in much of southern Afghanistan.

(I) Effective landmine awareness programs targeted to children could save lives in Afghanistan and in other areas of conflict where unexploded ordnance are a danger to the safety of children.

(2) AUTHORIZATION.—The President is authorized to furnish assistance to fund innovative programs designed to educate children in Afghanistan and other affected areas about the dangers of landmines and other unexploded ordnances, especially those proposed by organizations with extensive background in children's educational programs.

(3) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise authorized to be appropriated for demining and related activities under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), there are authorized to be appropriated for fiscal year 2004 such sums as may be necessary to carry out the purposes of this subsection.

**SEC. 2213. SPECIAL WAIVER AUTHORITY.**

(a) REVISION OF AUTHORITY.—Section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) is amended in subsection (a) by—

(1) striking paragraphs (1) and (2) and inserting the following new paragraph:

“(1) The President may authorize any assistance, sale, or other action under this Act, the Arms Export Control Act (22 U.S.C. 2751 et seq.), or any other law that authorizes the furnishing of foreign assistance or the appropriation of funds for foreign assistance, without regard to any of the provisions described in subsection (b) if the President determines, and notifies the Committees on Foreign Relations and Appropriations of the Senate and

the Committees on International Relations and Appropriations of the House of Representatives in writing—

“(A) with respect to assistance or other actions under chapter 2 or 5 of part II of this Act, or sales or other actions under the Arms Export Control Act (22 U.S.C. 2751 et seq.), that to do so is vital to the national security interests of the United States; and

“(B) with respect to other assistance or actions, that to do so is important to the security interests of the United States.”; and

(2) redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(b) **INCREASED LIMITATION ON SINGLE COUNTRY ALLOCATION.**—Subsection (a)(3)(C) of such section, as redesignated, is amended by striking “\$50,000,000” and inserting “\$75,000,000”.

(c) **REPEAL OF PROVISIONS RELATING TO GERMANY AND A CERTIFICATION REQUIREMENT.**—Section 614 of such Act is further amended by striking subsections (b) and (c).

(d) **INAPPLICABLE OR WAIVABLE LAWS.**—Such section, as amended by subsection (c), is further amended by adding at the end the following:

“(b) **INAPPLICABLE OR WAIVABLE LAWS.**—The provisions referred to in paragraphs (1) and (2) of subsection (a) are those set forth in any of the following:

“(1) Any provision of this Act.

“(2) Any provision of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

“(3) Any provision of law that authorizes the furnishing of foreign assistance or appropriates funds for foreign assistance.

“(4) Any other provision of law that restricts assistance, sales or leases, or other action under a provision of law referred to in paragraph (1), (2), or (3).

“(5) Any provision of law that relates to receipts and credits accruing to the United States.”.

#### **SEC. 2214. PROHIBITION OF ASSISTANCE FOR COUNTRIES IN DEFAULT.**

(a) **CLARIFICATION OF PROHIBITED RECIPIENTS.**—Section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) is amended—

(1) by striking “any country” and inserting “the government of any country”; and

(2) by striking “such country” each place it appears and inserting “such government”.

(b) **PERIOD OF PROHIBITION.**—Such section 620(q) is further amended by striking “six calendar months” and inserting “one year”.

#### **SEC. 2215. MILITARY COUPS.**

Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370) is amended by inserting after subsection (l) the following new subsection (m):

“(m)(1) No assistance may be furnished under this Act or the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the government of a country if the duly elected head of government for such country is deposed by decree or military coup. The prohibition in the preceding sentence shall cease to apply to a country if the President determines and certifies to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that after the termination of assistance a democratically elected government for such country has taken office.

“(2) Paragraph (1) does not apply to assistance to promote democratic elections or public participation in democratic processes.

“(3) The President may waive the application of paragraph (1), and any comparable provision of law, to a country upon determining that it is important to the national security interest of the United States to do so.”.

#### **SEC. 2216. DESIGNATION OF POSITION FOR WHICH APPOINTEE IS NOMINATED.**

Section 624 of the Foreign Assistance Act of 1961 (22 U.S.C. 2584) is amended by insert-

ing after subsection (c) the following new subsection (d):

“(d) **NOMINATION OF OFFICERS.**—Whenever the President submits to the Senate a nomination of an individual for appointment to a position authorized under subsection (a), the President shall designate the particular position in the agency for which the individual is nominated.”.

#### **SEC. 2217. EXCEPTIONS TO REQUIREMENT FOR CONGRESSIONAL NOTIFICATION OF PROGRAM CHANGES.**

Section 634A(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(b)) is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(3) of funds if the advance notification would pose a substantial risk to human health or welfare, but such notification shall be provided to the committees of Congress named in subsection (a) not later than 3 days after the action is taken; or

“(4) of funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763) for the provision of major defense equipment (other than conventional ammunition), aircraft, ships, missiles, or combat vehicles in quantities not in excess of 20 percent of the quantities previously justified under section 25 of such Act (22 U.S.C. 2765).”.

#### **SEC. 2218. COMMITMENTS FOR EXPENDITURES OF FUNDS.**

Section 635(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(h)) is amended by striking “available” and all that follows through “may,” and inserting “made available under this Act may.”.

#### **SEC. 2219. ALTERNATIVE DISPUTE RESOLUTION.**

Section 635(i) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(i)) is amended to read as follows:

“(i) Notwithstanding any other provision of law, claims arising as a result of operations under this Act may be settled (including by use of alternative dispute resolution procedures) or arbitrated with the consent of the parties. Payment made pursuant to any such settlement or arbitration shall be final and conclusive.”.

#### **SEC. 2220. ADMINISTRATIVE AUTHORITIES.**

Section 636 of the Foreign Assistance Act of 1961 (22 U.S.C. 2396) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by—

(i) striking “abroad”; and

(ii) striking “Civil Service Commission” and inserting “Office of Personnel Management”;

(B) by striking paragraph (5) and inserting the following:

“(5) purchase and hire of passenger motor vehicles”; and

(C) in paragraph (10), by striking “for not to exceed ten years”;

(2) in subsection (c), by striking “not to exceed \$6,000,000 of the”; and

(3) in subsection (d), by striking “Not to exceed \$2,500,000 of funds” and inserting “Funds”.

#### **SEC. 2221. ASSISTANCE FOR LAW ENFORCEMENT FORCES.**

Section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking “and the provision of professional” and all that follows through “democracy” and inserting “including any regional, district, municipal, or other subnational entity emerging from instability”;

(B) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(8) with respect to assistance to combat corruption in furtherance of the objectives for which programs are authorized to be established under section 133 of this Act (22 U.S.C. 2152c);

“(9) with respect to the provision of professional public safety training, including training in internationally recognized standards of human rights, the rule of law, and the promotion of civilian police roles that support democracy; and

“(10) with respect to assistance to combat trafficking in persons.”; and

(2) by striking subsection (d) and inserting the following:

“(d) Subsection (a) does not apply to assistance for law enforcement forces for which the Secretary, on a case-by-case basis, determines that it is important to the national interest of the United States to furnish such assistance and submits to the committees of the Congress referred to in subsection (a) of section 634A of this Act (22 U.S.C. 2394-1) an advance notification of the obligation of funds for such assistance in accordance with such section 634A.”.

#### **SEC. 2222. SPECIAL DEBT RELIEF FOR THE POOREST.**

The Foreign Assistance Act of 1961 is amended by adding at the end the following:

“PART VI—SPECIAL DEBT RELIEF FOR THE POOREST

#### **“SEC. 901. SPECIAL DEBT RELIEF FOR THE POOREST.**

“(a) **AUTHORITY.**—Subject to subsections (b) and (c), the President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of any of the following transactions:

“(1) Concessional loans extended under part I of this Act, or chapter 4 of part II of this Act, or antecedent foreign economic assistance laws.

“(2) Guarantees issued under sections 221 and 222 of this Act.

“(3) Credits extended or guarantees issued under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

“(4) Any obligation, or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to—

“(A) section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f));

“(B) section 201(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(b)); or

“(C) section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622).

“(b) **GENERAL LIMITATIONS.**—

“(1) **EXCLUSIVE CONDITIONS.**—The authority provided in subsection (a) may be exercised—

“(A) only to implement multilateral official debt relief and referendum agreements, commonly referred to as ‘Paris Club Agreed Minutes’;

“(B) only in such amounts or to such extent as is provided in advance in appropriations Acts; and

“(C) only with respect to countries with heavy debt burdens that—

“(i) are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ‘IDA-only’ countries; and

“(ii) are not determined ineligible under subsection (c).

“(2) **ADVANCE NOTIFICATION OF CONGRESS.**—The authority provided by subsection (a) shall be subject to the requirements of section 634A of this Act (22 U.S.C. 2394-1).

“(c) ELIGIBILITY LIMITATIONS.—The authority provided by subsection (a) may be exercised only with respect to a country the government of which, as determined by the President—

“(1) does not make an excessive level of military expenditures;

“(2) has not repeatedly provided support for acts of international terrorism;

“(3) is not failing to cooperate on international narcotics control matters;

“(4) does not engage, through its military or security forces or by other means, in a consistent pattern of gross violations of internationally recognized human rights; and

“(5) is not ineligible for assistance under section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2370a).

“(d) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) may not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided in subsection (a) may be exercised notwithstanding section 620(r) of this Act (22 U.S.C. 2370(r)) or section 321 of the International Development and Food Assistance Act of 1975 (22 U.S.C. 2220a note).”

#### SEC. 2223. CONGO BASIN FOREST PARTNERSHIP.

(a) FINDINGS.—Congress makes the following findings:

(1) Deforestation and environmental degradation in the Congo Basin in central Africa pose a major threat to the wellbeing and livelihood of the African people and to the world at large.

(2) It is in the national interest of the United States to assist the countries of the Congo Basin to reduce the rate of forest degradation and loss of biodiversity.

(3) The Congo Basin Forest Partnership, an initiative involving the Central Africa Regional Program for the Environment of the United States Agency for International Development, and also the Department of State, the United States Fish and Wildlife Service, the National Park Service, the National Forest Service, and National Aeronautics and Space Administration, was established to address in a variety of ways the environmental conditions in the Congo Basin.

(4) In partnership with nongovernmental environmental groups, the Congo Basin Forest Partnership will foster improved conservation and management of natural resources through programs at the local, national, and regional levels to help reverse the environmental degradation of the Congo Basin.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Congo Basin Forest Partnership program represents a significant effort at addressing the complex environmental and development challenges in the Congo Basin; and

(2) the President should make available for fiscal year 2004 at least the total level of assistance that the President requested for such fiscal year for all agencies participating in the Congo Basin Forest Partnership program for fiscal year 2004.

#### SEC. 2224. LANDMINE CLEARANCE PROGRAMS.

The Secretary of State is authorized to support cooperative arrangements commonly known as public-private partnerships for landmine clearance programs by grant or cooperative agreement.

#### SEC. 2225. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the “Foundation”).

(2) FUNDING.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes of this section, including through making grants and providing other assistance to entities to carry out programs for such purposes.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives before designating an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and including such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes of this section.

(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes of this section, and may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States and without further appropriation by Congress.

(g) FINANCIAL ACCOUNTABILITY.—

(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) AUDITS OF GRANT RECIPIENTS.—

(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2005, and annually thereafter, the Foundation shall submit to Congress and make available to the public an annual report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes of this section; and

(4) the financial condition of the Foundation.

#### Subtitle B—Arms Export Control Act Amendments and Related Provisions

#### SEC. 2231. THRESHOLDS FOR ADVANCE NOTICE TO CONGRESS OF SALES OR UPGRADES OF DEFENSE ARTICLES, DESIGN AND CONSTRUCTION SERVICES, AND MAJOR DEFENSE EQUIPMENT.

(a) LETTERS OF OFFER TO SELL.—Subsection (b) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking “Subject to paragraph (6), in” and inserting “In”;

(B) by striking “\$50,000,000” and inserting “\$100,000,000”;

(C) by striking “services for \$200,000,000” and inserting “services for \$350,000,000”;

(D) by striking “\$14,000,000” and inserting “\$50,000,000”; and

(E) by inserting "and in other cases if the President determines it is appropriate," before "before such letter";

(2) in the first sentence of paragraph (5)(C)—

(A) by striking "Subject to paragraph (6), if" and inserting "If";

(B) by striking "\$14,000,000" and inserting "\$50,000,000";

(C) by striking "\$50,000,000" and inserting "\$100,000,000";

(D) by striking "or \$200,000,000" and inserting "or \$350,000,000"; and

(E) by inserting "and in other cases if the President determines it is appropriate," before "then the President"; and

(3) by striking paragraph (6).

(b) **EXPORT LICENSES.**—Subsection (c) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "Subject to paragraph (5), in" and inserting "In";

(B) by striking "\$14,000,000" and inserting "\$50,000,000";

(C) by striking "\$50,000,000" and inserting "\$100,000,000"; and

(D) by inserting "and in other cases if the President determines it is appropriate," before "before issuing such";

(2) in the last sentence of paragraph (2), by striking "(A) and (B)" and inserting "(A), (B), and (C)"; and

(3) by striking paragraph (5).

(c) **PRESIDENTIAL CONSENT.**—Section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) is amended—

(1) in paragraphs (1) and (3)(A)—

(A) by striking "Subject to paragraph (5), the" and inserting "The";

(B) by striking "\$14,000,000" and inserting "\$50,000,000"; and

(C) by striking "\$50,000,000" and inserting "\$100,000,000"; and

(2) by striking paragraph (5).

**SEC. 2232. CLARIFICATION OF REQUIREMENT FOR ADVANCE NOTICE TO CONGRESS OF COMPREHENSIVE EXPORT AUTHORIZATIONS.**

Subsection (d) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(1)";

(B) by striking "this subsection" and inserting "this subparagraph"; and

(C) by adding at the end the following new subparagraph:

"(B) Notwithstanding section 27(g), in the case of a comprehensive authorization described in section 126.14 of title 22, Code of Federal Regulations (or any corresponding similar regulation) for the proposed export of defense articles or defense services in an amount that exceeds a limitation set forth in subsection (c)(1), before the comprehensive authorization is approved or the addition of a foreign government or other foreign partner to the comprehensive authorization is approved, the President shall submit a certification with respect to the comprehensive authorization in a manner similar to the certification required under subsection (c)(1) of this section and containing comparable information, except that the last sentence of such subsection shall not apply to certifications submitted pursuant to this subparagraph."; and

(2) in paragraph (4), by striking "Approval for an agreement subject to paragraph (1) may not be given under section 38" and inserting "Approval for an agreement subject to paragraph (1)(A), or for a comprehensive authorization subject to paragraph (1)(B), may not be given under section 38 or section 126.14 of title 22, Code of Federal Regulations (or any corresponding similar regulation), as the case may be,".

**SEC. 2233. EXCEPTION TO BILATERAL AGREEMENT REQUIREMENTS FOR TRANSFERS OF DEFENSE ITEMS WITHIN AUSTRALIA.**

(a) **EXCEPTION ON TRANSFERS WITHIN AUSTRALIA.**—Subsection (j) of section 38 of the Arms Export Control Act (22 U.S.C. 2778(j)) is amended by adding at the end the following new paragraph:

"(5) **EXCEPTION FROM BILATERAL AGREEMENT REQUIREMENTS.**—The requirements for a bilateral agreement described in paragraph (2)(A) of this subsection shall not apply to such an agreement between the United States Government and the Government of Australia with respect to transfers within Australia of defense items that will remain subject to the licensing requirements of this Act after the agreement enters into force."

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of such subsection (22 U.S.C. 2778(j)(2)) is amended in the material preceding subparagraph (A) by striking "A bilateral agreement" and inserting "Except as provided in paragraph 5, a bilateral agreement".

**SEC. 2234. AUTHORITY TO PROVIDE CATALOGING DATA AND SERVICES TO NON-NATO COUNTRIES.**

Section 21(h)(2) of the Arms Export Control Act (22 U.S.C. 2761(h)(2)) is amended by striking "to the North Atlantic Treaty Organization or to any member government of that Organization if that Organization or member government" and inserting "to the North Atlantic Treaty Organization, to any member government of that Organization, or to the government of any other country if that Organization, member government, or other government".

**SEC. 2235. FREEDOM SUPPORT ACT PERMANENT WAIVER AUTHORITY.**

(a) **AUTHORITY TO WAIVE RESTRICTIONS AND ELIGIBILITY REQUIREMENTS.**—If the President submits the certification and report described in subsection (b) with respect to an independent state of the former Soviet Union for a fiscal year, funds may be obligated and expended during that fiscal year under sections 503 and 504 of the FREEDOM Support Act (22 U.S.C. 5853 and 5854) for assistance or other programs and activities for that state even if that state has not met one or more of the requirements for eligibility under paragraphs (1) through (4) of section 502 of such Act (22 U.S.C. 5852).

(b) **CERTIFICATION AND REPORT.**—

(1) **IN GENERAL.**—The certification and report referred to in subsection (a) are a written certification submitted by the President to Congress that the waiver of the restriction under such section 502 and the requirements in that section during the fiscal year covered by such certification is important to the national security interests of the United States, together with a report containing the following:

(A) A description of the activity or activities that prevent the President from certifying that the state is committed to the matters set forth in the provisions of law specified in subsection (a) in such fiscal year.

(B) An explanation of why the waiver is important to the national security interests of the United States.

(C) A description of the strategy, plan, or policy of the President for promoting the commitment of the state to, and compliance by the state with, such matters, notwithstanding the waiver.

(2) **FORM OF REPORT.**—A report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 2236. EXTENSION OF PAKISTAN WAIVERS.**

The Act entitled "An Act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes", approved October 27, 2001

(Public Law 107-57; 115 Stat. 403), is amended—

(1) in section 1(a)—

(A) by striking "2002" in the heading and inserting "2004"; and

(B) by striking "2002" in paragraph (1) and inserting "2004";

(2) in paragraph (2) of section 3, by striking "Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 2002, as is" and inserting "annual foreign operations, export financing, and related programs appropriations Acts for fiscal years 2002, 2003, and 2004, as are"; and

(3) in section 6, by striking "October 1, 2003" and inserting "October 1, 2004".

**SEC. 2237. CONSOLIDATION OF REPORTS ON NON-PROLIFERATION IN SOUTH ASIA.**

Section 1601(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 is amended to read as follows:

"(c) **REPORT.**—The report required to be submitted to Congress not later than April 1, 2004 pursuant to section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c)) shall include a description of the efforts of the United States Government to achieve the objectives described in subsections (a) and (b), the progress made toward achieving such objectives, and the likelihood that such objectives will be achieved by September 30, 2004."

**SEC. 2238. HAITIAN COAST GUARD.**

The Government of Haiti shall be eligible to purchase defense articles and services for the Haitian Coast Guard under the Arms Export Control Act (22 U.S.C. 2751 et seq.), subject to the prior notification requirements under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

**SEC. 2239. SENSE OF CONGRESS RELATING TO EXPORTS OF DEFENSE ITEMS TO THE UNITED KINGDOM.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The continued cooperation between the United States and the United Kingdom is critical to the national security and economic stability of the United States and the world.

(2) The United Kingdom has demonstrated a commitment to implementing and maintaining an effective export control system that prohibits countries designated as supporting international terrorism and other rogue states from securing items and technology that threaten the national security of the United States.

(3) The United States and the United Kingdom have been strategic partners with respect to the efforts of the United Nations Security Council Counter-Terrorism Committee to eradicate terrorism and the financing of terrorist activities.

(4) The war in Iraq demonstrated the close cooperation that exists between the United States and the United Kingdom with respect to military and defense operations.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the United States Government and the Government of the United Kingdom should finalize a bilateral agreement with respect to an exemption for certain qualified United States-origin defense items from the licensing requirements under the International Traffic in Arms Regulations (ITAR); and

(2) following the completion of the bilateral agreement, the United States should approve an exception, as appropriate, relating to the bilateral agreement with the United Kingdom from the requirements described in section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)).

**SEC. 2240. MARKETING INFORMATION FOR COMMERCIAL COMMUNICATIONS SATELLITES.**

(a) **IN GENERAL.**—A license shall not be required under section 38 of the Arms Export



Control Act (22 U.S.C. 2778) for the transfer of marketing information for the purpose of providing information directly related to the sale of commercial communications satellites and related parts to a member country of the North Atlantic Treaty Organization (NATO) and Australia, Japan, and New Zealand.

(b) **MARKETING INFORMATION.**—In this section, the term “marketing information” means data that a seller must provide to a potential customer (including a foreign end-user) that will enable the customer to make a purchase decision to award a contract for goods or services, including system description, functional information, price and schedule information, information required for installation, operation, maintenance, and repair, and includes that level of data necessary to ensure safe use of the product, but does not include sensitive encryption and source code data, detailed design data, engineering analysis, or manufacturing know-how.

(c) **EXCEPTION.**—Nothing in this section shall exempt commercial communications satellites from any licensing requirement under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for defense items and defense services, except as described in subsection (a).

### **TITLE XXIII—RADIOLOGICAL TERRORISM THREAT REDUCTION**

#### **SEC. 2301. SHORT TITLE.**

This title may be cited as the “Radiological Terrorism Threat Reduction Act of 2003”.

#### **SEC. 2302. FINDINGS.**

Congress makes the following findings:

(1) It is feasible for terrorists to obtain and disseminate radioactive material by using a radiological dispersion device (RDD) or by replacing discrete radioactive sources in major public places.

(2) An attack by terrorists using radiological material could cause catastrophic economic and social damage, although it might kill few, if any, Americans.

(3) The first line of defense against radiological terrorism is preventing the acquisition of radioactive material by terrorists.

#### **SEC. 2303. DEFINITIONS.**

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) **BYPRODUCT MATERIAL.**—The term “byproduct material” has the meaning given the term in section 11 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

(3) **IAEA.**—The term “IAEA” means the International Atomic Energy Agency.

(4) **INDEPENDENT STATES OF THE FORMER SOVIET UNION.**—The term “independent states of the former Soviet Union” has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

(5) **RADIOACTIVE MATERIAL.**—The term “radioactive material” means—

(A) source material and special nuclear material, but does not include natural or depleted uranium;

(B) nuclear byproduct material;

(C) material made radioactive by bombardment in an accelerator; and

(D) all refined isotopes of radium.

(6) **RADIOACTIVE SOURCE.**—The term “radioactive source” means radioactive material that is permanently sealed in a capsule or closely bonded and includes any radioactive material released if the source is leaking or stolen, but does not include any material within the nuclear fuel cycle of a research or power reactor.

(7) **RADIOISOTOPE THERMAL GENERATOR.**—The term “radioisotope thermal generator” means an electrical generator which derives its power from the heat produced by the decay of a radioactive source by the emission of alpha, beta, or gamma radiation. The term does not include nuclear reactors deriving their energy from the fission or fusion of atomic nuclei.

(8) **SECRETARY.**—The term “Secretary” means the Secretary of State.

(9) **SOURCE MATERIAL.**—The term “source material” has the meaning given the term in section 11 z. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

(10) **SPECIAL NUCLEAR MATERIAL.**—The term “special nuclear material” has the meaning given the term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

#### **SEC. 2304. INTERNATIONAL STORAGE FACILITIES FOR RADIOACTIVE SOURCES.**

(a) **AGREEMENTS ON TEMPORARY SECURE STORAGE.**—The Secretary is authorized to propose that the IAEA conclude agreements with up to 8 countries under which agreement each country would provide temporary secure storage for orphaned, unused, surplus, or other radioactive sources (other than special nuclear material, nuclear fuel, or spent nuclear fuel). Such agreements shall be consistent with the IAEA Code of Conduct on the Safety and Security of Radioactive Sources, and shall address the need for storage of such radioactive sources in countries or regions of the world where convenient access to secure storage of such radioactive sources does not exist.

(b) **VOLUNTARY CONTRIBUTIONS TO IAEA AUTHORIZED.**—

(1) **IN GENERAL.**—The Secretary is authorized to make voluntary contributions to the IAEA for use by the Department of Nuclear Safety of the IAEA to fund the United States share of the costs of activities associated with or under agreements under subsection (a).

(2) **UNITED STATES SHARE IN FISCAL YEAR 2004.**—The United States share of the costs of activities under agreements under subsection (a) in fiscal year 2004 may be 100 percent of the costs of such activities in that fiscal year.

(c) **TECHNICAL ASSISTANCE.**—The Secretary is authorized to provide the IAEA and other countries with technical assistance to carry out activities under agreements under subsection (a) in a manner that meets the standards of the IAEA Code of Conduct on the Safety and Security of Radioactive Sources.

(d) **APPLICABILITY OF ENVIRONMENTAL LAWS.**—

(1) **INAPPLICABILITY OF NEPA TO FACILITIES OUTSIDE UNITED STATES.**—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply with respect to any temporary secure storage facility constructed outside the United States under an agreement under subsection (a).

(2) **APPLICABILITY OF FOREIGN ENVIRONMENTAL LAWS.**—The construction and operation of a facility described in paragraph (1) shall be governed by any applicable environmental laws of the country in which the facility is constructed.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Of the amounts authorized to be appropriated under this division for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, \$4,000,000 to carry out this section.

(2) **AVAILABILITY.**—Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

#### **SEC. 2305. DISCOVERY, INVENTORY, AND RECOVERY OF RADIOACTIVE SOURCES.**

(a) **AUTHORITY.**—The Secretary is authorized to provide assistance, including through

voluntary contributions to the IAEA under subsection (b), to support a program of the Division of Radiation and Waste Safety of the Department of Nuclear Safety of the IAEA to promote the discovery, inventory, and recovery of radioactive sources in member nations of the IAEA.

(b) **VOLUNTARY CONTRIBUTIONS TO IAEA AUTHORIZED.**—The Secretary is authorized to make voluntary contributions to the IAEA to fund the United States share of the program described in subsection (a).

(c) **TECHNICAL ASSISTANCE.**—The Secretary is authorized to provide the IAEA and other countries with technical assistance to carry out the program described in subsection (a).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Of the amounts authorized to be appropriated under this Act for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, \$4,000,000 to carry out this section.

(2) **AVAILABILITY.**—Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

#### **SEC. 2306. RADIOISOTOPE THERMAL GENERATOR POWER UNITS IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.**

(a) **SUBSTITUTION WITH OTHER POWER UNITS.**—

(1) **IN GENERAL.**—The Secretary is authorized to assist the Government of the Russian Federation to substitute solar (or other non-nuclear) power sources for radioisotope thermal power units operated by the Russian Federation and other independent states of the former Soviet Union in applications such as lighthouses in the Arctic, remote weather stations, and for providing electricity in remote locations.

(2) **TECHNOLOGY REQUIREMENT.**—Any power unit utilized as a substitute power unit under paragraph (1) shall, to the maximum extent practicable, be based upon tested technologies that have operated for at least one full year in the environment where the substitute power unit will be used.

(b) **CONSULTATION.**—The Secretary shall consult with the Secretary of Energy to ensure that substitute power sources provided under this section are for facilities from which the radioisotope thermal generator power units have been or are being removed.

(c) **ACTIVITIES OUTSIDE FORMER SOVIET UNION.**—The Secretary may use not more than 20 percent of the funds available under this section in any fiscal year to replace dangerous radioisotope thermal power facilities that are similar to the facilities described in subsection (a) in countries other than the independent states of the former Soviet Union.

(d) **FUNDING.**—

(1) **IN GENERAL.**—Of the amounts authorized to be appropriated under this Act for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, \$5,000,000 to carry out this section.

(2) **AVAILABILITY OF FUNDS.**—Amounts available under paragraph (1) are authorized to remain available until expended.

#### **SEC. 2307. FOREIGN FIRST RESPONDERS.**

(a) **IN GENERAL.**—The Secretary is authorized to assist foreign countries, or to propose that the IAEA assist foreign countries, in the development of appropriate national response plans and the training of first responders to—

(1) detect, identify, and characterize radioactive material;

(2) understand the hazards posed by radioactive contamination;

(3) understand the risks encountered at various dose rates;

(4) enter contaminated areas safely and speedily; and

(5) evacuate persons within a contaminated area.

(b) **CONSIDERATIONS.**—In carrying out activities under subsection (a), the Secretary shall take into account the findings of the threat assessment report required by section 2308 and the location of any storage facilities for radioactive sources under section 2304.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Of the amounts authorized to be appropriated under this Act for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, \$2,000,000 to carry out this section.

(2) **AVAILABILITY.**—Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

#### **SEC. 2308. THREAT ASSESSMENT REPORTS.**

(a) **REPORTS REQUIRED.**—The Secretary shall, at the times specified in subsection (c), submit to the appropriate congressional committees a report—

(1) detailing the preparations made at United States diplomatic missions abroad to detect and mitigate a radiological attack on United States missions and other United States facilities under the control of the Secretary;

(2) setting forth a rank-ordered list of the Secretary's priorities for improving radiological security and consequence management at United States missions; and

(3) providing a rank-ordered list of the missions where such improvement is most important.

(b) **BUDGET REQUEST.**—Each report under subsection (a) shall also include a proposed budget to carry out the improvements described in subsection (a)(2) under such report.

(c) **TIMING.**—

(1) **FIRST REPORT.**—The first report under subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

(2) **SUBSEQUENT REPORTS.**—Subsequent reports under subsection (a) shall be submitted with the budget justification materials submitted by the Secretary to Congress in support of the budget of the President for the fiscal year (as submitted under section 1105(a) of title 31, United States Code) for each fiscal year commencing with fiscal year 2006.

(d) **FORM.**—Each report shall be submitted in unclassified form, but may include a classified annex.

### **TITLE XXIV—GLOBAL PATHOGEN SURVEILLANCE**

#### **SEC. 2401. SHORT TITLE.**

This title may be cited as the "Global Pathogen Surveillance Act of 2003".

#### **SEC. 2402. FINDINGS; PURPOSE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Bioterrorism poses a grave national security threat to the United States. The insidious nature of the threat, the likely delayed recognition in the event of an attack, and the underpreparedness of the domestic public health infrastructure may produce catastrophic consequences following a biological weapons attack upon the United States.

(2) A contagious pathogen engineered as a biological weapon and developed, tested, produced, or released in another country can quickly spread to the United States. Given the realities of international travel, trade, and migration patterns, a dangerous pathogen released anywhere in the world can spread to United States territory in a matter of days, before any effective quarantine or isolation measures can be implemented.

(3) To effectively combat bioterrorism and ensure that the United States is fully pre-

pared to prevent, diagnose, and contain a biological weapons attack, measures to strengthen the domestic public health infrastructure and improve domestic surveillance and monitoring, while absolutely essential, are not sufficient.

(4) The United States should enhance cooperation with the World Health Organization, regional health organizations, and individual countries, including data sharing with appropriate United States departments and agencies, to help detect and quickly contain infectious disease outbreaks or bioterrorism agents before they can spread.

(5) The World Health Organization (WHO) has done an impressive job in monitoring infectious disease outbreaks around the world, including the recent emergence of the Severe Acute Respiratory Syndrome (SARS) epidemic, particularly with the establishment in April 2000 of the Global Outbreak Alert and Response network.

(6) The capabilities of the World Health Organization are inherently limited by the quality of the data and information it receives from member countries, the narrow range of diseases (plague, cholera, and yellow fever) upon which its disease surveillance and monitoring is based, and the consensus process it uses to add new diseases to the list. Developing countries in particular often cannot devote the necessary resources to build and maintain public health infrastructures.

(7) In particular, developing countries could benefit from—

(A) better trained public health professionals and epidemiologists to recognize disease patterns;

(B) appropriate laboratory equipment for diagnosis of pathogens;

(C) disease reporting based on symptoms and signs (known as "syndrome surveillance"), affording the earliest possible opportunity to conduct an effective response;

(D) a narrowing of the existing technology gap in syndrome surveillance capabilities and real-time information dissemination to public health officials; and

(E) appropriate communications equipment and information technology to efficiently transmit information and data within national and regional health networks, including inexpensive, Internet-based Geographic Information Systems (GIS) and relevant telephone-based systems for early recognition and diagnosis of diseases.

(8) An effective international capability to monitor and quickly diagnose infectious disease outbreaks will offer dividends not only in the event of biological weapons development, testing, production, and attack, but also in the more likely cases of naturally occurring infectious disease outbreaks that could threaten the United States. Furthermore, a robust surveillance system will serve to deter terrorist use of biological weapons, as early detection will help mitigate the intended effects of such malevolent uses.

(b) **PURPOSE.**—The purposes of this title are as follows:

(1) To enhance the capability and cooperation of the international community, including the World Health Organization and individual countries, through enhanced pathogen surveillance and appropriate data sharing, to detect, identify, and contain infectious disease outbreaks, whether the cause of those outbreaks is intentional human action or natural in origin.

(2) To enhance the training of public health professionals and epidemiologists from eligible developing countries in advanced Internet-based and other electronic syndrome surveillance systems, in addition to traditional epidemiology methods, so that they may better detect, diagnose, and contain infectious disease outbreaks, especially

those due to pathogens most likely to be used in a biological weapons attack.

(3) To provide assistance to developing countries to purchase appropriate public health laboratory equipment necessary for infectious disease surveillance and diagnosis.

(4) To provide assistance to developing countries to purchase appropriate communications equipment and information technology, including, as appropriate, relevant computer equipment, Internet connectivity mechanisms, and telephone-based applications to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis.

(5) To make available greater numbers of United States Government public health professionals to international health organizations, regional health networks, and United States diplomatic missions where appropriate.

(6) To establish "lab-to-lab" cooperative relationships between United States public health laboratories and established foreign counterparts.

(7) To expand the training and outreach activities of overseas United States laboratories, including Centers for Disease Control and Prevention and Department of Defense entities, to enhance the disease surveillance capabilities of developing countries.

(8) To provide appropriate technical assistance to existing regional health networks and, where appropriate, seed money for new regional networks.

#### **SEC. 2403. DEFINITIONS.**

In this title:

(1) **BIOLOGICAL WEAPONS CONVENTION.**—The term "Biological Weapons Convention" means the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at Washington, London, and Moscow April 10, 1972.

(2) **ELIGIBLE DEVELOPING COUNTRY.**—The term "eligible developing country" means any developing country that—

(A) has agreed to the objective of fully complying with requirements of the World Health Organization on reporting public health information on outbreaks of infectious diseases;

(B) has not been determined by the Secretary, for purposes of section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405), to have repeatedly provided support for acts of international terrorism, unless the Secretary exercises a waiver certifying that it is in the national interest of the United States to provide assistance under the provisions of this title; and

(C) is a state party to the Biological Weapons Convention.

(3) **ELIGIBLE NATIONAL.**—The term "eligible national" means any citizen or national of an eligible developing country who is eligible to receive a visa under the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(4) **INTERNATIONAL HEALTH ORGANIZATION.**—The term "international health organization" includes the World Health Organization and the Pan American Health Organization.

(5) **LABORATORY.**—The term "laboratory" means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

(6) SECRETARY.—Unless otherwise provided, the term “Secretary” means the Secretary of State.

(7) SELECT AGENT.—The term “select agent” has the meaning given such term for purposes of section 72.6 of title 42, Code of Federal Regulations.

(8) SYNDROME SURVEILLANCE.—The term “syndrome surveillance” means the recording of symptoms (patient complaints) and signs (derived from physical examination) combined with simple geographic locators to track the emergence of a disease in a population.

#### SEC. 2404. PRIORITY FOR CERTAIN COUNTRIES.

Priority in the provision of United States assistance for eligible developing countries under all the provisions of this title shall be given to those countries that permit personnel from the World Health Organization and the Centers for Disease Control and Prevention to investigate outbreaks of infectious diseases on their territories, provide early notification of disease outbreaks, and provide pathogen surveillance data to appropriate United States departments and agencies in addition to international health organizations.

#### SEC. 2405. RESTRICTION.

Notwithstanding any other provision of this title, no foreign nationals participating in programs authorized under this title shall have access, during the course of such participation, to select agents that may be used as, or in, a biological weapon, except in a supervised and controlled setting.

#### SEC. 2406. FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established a fellowship program (in this section referred to as the “program”) under which the Secretary, in consultation with the Secretary of Health and Human Services and subject to the availability of appropriations, shall award fellowships to eligible nationals to pursue public health education or training, as follows:

(1) MASTER OF PUBLIC HEALTH DEGREE.—Graduate courses of study leading to a master of public health degree with a concentration in epidemiology from an institution of higher education in the United States with a Center for Public Health Preparedness, as determined by the Centers for Disease Control and Prevention.

(2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY TRAINING.—Advanced public health training in epidemiology to be carried out at the Centers for Disease Control and Prevention (or equivalent State facility), or other Federal facility (excluding the Department of Defense or United States National Laboratories), for a period of not less than 6 months or more than 12 months.

(b) SPECIALIZATION IN BIOTERRORISM.—In addition to the education or training specified in subsection (a), each recipient of a fellowship under this section (in this section referred to as a “fellow”) may take courses of study at the Centers for Disease Control and Prevention or at an equivalent facility on diagnosis and containment of likely bioterrorism agents.

#### (c) FELLOWSHIP AGREEMENT.—

(1) IN GENERAL.—In awarding a fellowship under the program, the Secretary, in consultation with the Secretary of Health and Human Services, shall require the recipient to enter into an agreement under which, in exchange for such assistance, the recipient—

(A) will maintain satisfactory academic progress (as determined in accordance with regulations issued by the Secretary and confirmed in regularly scheduled updates to the Secretary from the institution providing the education or training on the progress of the recipient’s education or training);

(B) will, upon completion of such education or training, return to the recipient’s country

of nationality or last habitual residence (so long as it is an eligible developing country) and complete at least four years of employment in a public health position in the government or a nongovernmental, not-for-profit entity in that country or, with the approval of the Secretary, complete part or all of this requirement through service with an international health organization without geographic restriction; and

(C) agrees that, if the recipient is unable to meet the requirements described in subparagraph (A) or (B), the recipient will reimburse the United States for the value of the assistance provided to the recipient under the fellowship, together with interest at a rate determined in accordance with regulations issued by the Secretary but not higher than the rate generally applied in connection with other Federal loans.

(2) WAIVERS.—The Secretary may waive the application of paragraph (1)(B) and (1)(C) if the Secretary determines that it is in the national interest of the United States to do so.

(d) IMPLEMENTATION.—The Secretary, in consultation with the Secretary of Health and Human Services, is authorized to enter into an agreement with any eligible developing country under which the country agrees—

(1) to establish a procedure for the nomination of eligible nationals for fellowships under this section;

(2) to guarantee that a fellow will be offered a professional public health position within the country upon completion of his studies; and

(3) to certify to the Secretary when a fellow has concluded the minimum period of employment in a public health position required by the fellowship agreement, with an explanation of how the requirement was met.

(e) PARTICIPATION OF UNITED STATES CITIZENS.—On a case-by-case basis, the Secretary may provide for the participation of United States citizens under the provisions of this section if the Secretary determines that it is in the national interest of the United States to do so. Upon completion of such education or training, a United States recipient shall complete at least 5 years of employment in a public health position in an eligible developing country or an international health organization.

#### SEC. 2407. IN-COUNTRY TRAINING IN LABORATORY TECHNIQUES AND SYNDROME SURVEILLANCE.

(a) IN GENERAL.—In conjunction with the Centers for Disease Control and Prevention and the Department of Defense, the Secretary shall, subject to the availability of appropriations, support short training courses in-country (not in the United States) for laboratory technicians and other public health personnel from eligible developing countries in laboratory techniques relating to the identification, diagnosis, and tracking of pathogens responsible for possible infectious disease outbreaks. Training under this section may be conducted in overseas facilities of the Centers for Disease Control and Prevention or in Overseas Medical Research Units of the Department of Defense, as appropriate. The Secretary shall coordinate such training courses, where appropriate, with the existing programs and activities of the World Health Organization.

(b) TRAINING IN SYNDROME SURVEILLANCE.—In conjunction with the Centers for Disease Control and Prevention and the Department of Defense, the Secretary shall, subject to the availability of appropriations, establish and support short training courses in-country (not in the United States) for public health personnel from eligible developing countries in techniques of syndrome surveillance reporting and rapid analysis of syn-

drome information using Geographic Information System (GIS) and other Internet-based tools. Training under this subsection may be conducted via the Internet or in appropriate facilities as determined by the Secretary. The Secretary shall coordinate such training courses, where appropriate, with the existing programs and activities of the World Health Organization.

#### SEC. 2408. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY EQUIPMENT.

(a) AUTHORIZATION.—The President is authorized, on such terms and conditions as the President may determine, to furnish assistance to eligible developing countries to purchase and maintain public health laboratory equipment described in subsection (b).

(b) EQUIPMENT COVERED.—Equipment described in this subsection is equipment that is—

(1) appropriate, where possible, for use in the intended geographic area;

(2) necessary to collect, analyze, and identify expeditiously a broad array of pathogens, including mutant strains, which may cause disease outbreaks or may be used as a biological weapon;

(3) compatible with general standards set forth, as appropriate, by the World Health Organization and the Centers for Disease Control and Prevention, to ensure interoperability with regional and international public health networks; and

(4) not defense articles or defense services as those terms are defined under section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(d) LIMITATION.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment that, if made in the United States, would be subject to the Arms Export Control Act (22 U.S.C. 2751 et seq.) or likely be barred or subject to special conditions under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(e) HOST COUNTRY’S COMMITMENTS.—The assistance provided under this section shall be contingent upon the host country’s commitment to provide the resources, infrastructure, and other assets required to house, maintain, support, secure, and maximize use of this equipment and appropriate technical personnel.

#### SEC. 2409. ASSISTANCE FOR IMPROVED COMMUNICATION OF PUBLIC HEALTH INFORMATION.

(a) ASSISTANCE FOR PURCHASE OF COMMUNICATION EQUIPMENT AND INFORMATION TECHNOLOGY.—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries for the purchase and maintenance of communications equipment and information technology described in subsection (b), and supporting equipment, necessary to effectively collect, analyze, and transmit public health information.

(b) COVERED EQUIPMENT.—Equipment (and information technology) described in this subsection is equipment that—

(1) is suitable for use under the particular conditions of the area of intended use;

(2) meets appropriate World Health Organization standards to ensure interoperability with like equipment of other countries and international health organizations; and

(3) is not defense articles or defense services as those terms are defined under section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(d) **LIMITATION.**—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment that, if made in the United States, would be subject to the Arms Export Control Act or likely be barred or subject to special conditions under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(e) **ASSISTANCE FOR STANDARDIZATION OF REPORTING.**—The President is authorized to provide, on such terms and conditions as the President may determine, technical assistance and grant assistance to international health organizations to facilitate standardization in the reporting of public health information between and among developing countries and international health organizations.

(f) **HOST COUNTRY'S COMMITMENTS.**—The assistance provided under this section shall be contingent upon the host country's commitment to provide the resources, infrastructure, and other assets required to house, support, maintain, secure, and maximize use of this equipment and appropriate technical personnel.

**SEC. 2410. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO UNITED STATES MISSIONS AND INTERNATIONAL ORGANIZATIONS.**

(a) **IN GENERAL.**—Upon the request of a United States chief of diplomatic mission or an international health organization, and with the concurrence of the Secretary of State, the head of a Federal agency may assign to the respective United States mission or organization any officer or employee of the agency occupying a public health position within the agency for the purpose of enhancing disease and pathogen surveillance efforts in developing countries.

(b) **REIMBURSEMENT.**—The costs incurred by a Federal agency by reason of the detail of personnel under subsection (a) may be reimbursed to that agency out of the applicable appropriations account of the Department of State if the Secretary determines that the relevant agency may otherwise be unable to assign such personnel on a non-reimbursable basis.

**SEC. 2411. EXPANSION OF CERTAIN UNITED STATES GOVERNMENT LABORATORIES ABROAD.**

(a) **IN GENERAL.**—Subject to the availability of appropriations, the Centers for Disease Control and Prevention and the Department of Defense shall each—

(1) increase the number of personnel assigned to laboratories of the Centers or the Department, as appropriate, located in eligible developing countries that conduct research and other activities with respect to infectious diseases; and

(2) expand the operations of those laboratories, especially with respect to the implementation of on-site training of foreign nationals and regional outreach efforts involving neighboring countries.

(b) **COOPERATION AND COORDINATION BETWEEN LABORATORIES.**—Subsection (a) shall be carried out in such a manner as to foster cooperation and avoid duplication between and among laboratories.

(c) **RELATION TO CORE MISSIONS AND SECURITY.**—The expansion of the operations of overseas laboratories of the Centers or the Department under this section shall not—

(1) detract from the established core missions of the laboratories; or

(2) compromise the security of those laboratories, as well as their research, equipment, expertise, and materials.

**SEC. 2412. ASSISTANCE FOR REGIONAL HEALTH NETWORKS AND EXPANSION OF FOREIGN EPIDEMIOLOGY TRAINING PROGRAMS.**

(a) **AUTHORITY.**—The President is authorized, on such terms and conditions as the President may determine, to provide assistance for the purposes of—

(1) enhancing the surveillance and reporting capabilities of the World Health Organization and existing regional health networks; and

(2) developing new regional health networks.

(b) **EXPANSION OF FOREIGN EPIDEMIOLOGY TRAINING PROGRAMS.**—The Secretary of Health and Human Services is authorized to establish new country or regional Foreign Epidemiology Training Programs in eligible developing countries.

**SEC. 2413. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Of the amounts authorized to be appropriated under this division for Nonproliferation, Anti-terrorism, Demining and Related Programs, there is authorized to be appropriated \$35,000,000 for the fiscal year 2004 to carry out this title.

(2) **ALLOCATION OF FUNDS.**—Of the amounts made available under paragraph (1)—

(A) \$25,000,000 for the fiscal year 2004 is authorized to be available to carry out sections 2406, 2407, 2408, and 2409;

(B) \$500,000 for the fiscal year 2004 is authorized to be available to carry out section 2410;

(C) \$2,500,000 for the fiscal year 2004 is authorized to be available to carry out section 2411; and

(D) \$7,000,000 for the fiscal year 2004 is authorized to be available to carry out section 2412.

(b) **AVAILABILITY OF FUNDS.**—The amount appropriated pursuant to subsection (a) is authorized to remain available until expended.

(c) **REPORTING REQUIREMENT.**—Not later than 90 days after the date of enactment of this title, the Secretary shall submit a report, in conjunction with the Secretary of Health and Human Services and the Secretary of Defense, containing—

(1) a description of the implementation of programs under this title; and

(2) an estimate of the level of funding required to carry out those programs at a sufficient level.

**TITLE XXV—REPORTING REQUIREMENTS AND OTHER MATTERS**

**Subtitle A—Elimination and Modification of Certain Reporting Requirements**

**SEC. 2501. ANNUAL REPORT ON TERRITORIAL INTEGRITY.**

Section 560 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (titles I through V of Public Law 103-87; 107 Stat. 966) is amended by striking subsection (g).

**SEC. 2502. ANNUAL REPORTS ON ACTIVITIES IN COLOMBIA.**

Section 694 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 116 Stat. 1415; 22 U.S.C. 2291 note) is amended by adding at the end the following:

“(c) **REPORT CONSOLIDATION.**—The Secretary may satisfy the annual reporting requirements of this section by incorporating the required information with the annual report submitted pursuant to section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)).”

**SEC. 2503. ANNUAL REPORT ON FOREIGN MILITARY TRAINING.**

Subsection (a)(1) of section 656 of the Foreign Assistance Act of 1961 (22 U.S.C. 2416) is amended by striking “January 31” and inserting “March 1”.

**SEC. 2504. REPORT ON HUMAN RIGHTS IN HAITI.**

Section 616(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (section 101(b) of division A of Public Law 105-277; 112 Stat. 2681-114), is amended—

(1) in paragraph (2), by striking “not later than 3 months after the date of enactment of this Act” and inserting “as part of the annual report submitted under paragraph (4) of this subsection”; and

(2) in paragraph (3), by inserting “, as part of the annual report submitted under paragraph (4) of this subsection,” after “the appropriate congressional committees”.

**Subtitle B—Other Matters**

**SEC. 2511. CERTAIN CLAIMS FOR EXPROPRIATION BY THE GOVERNMENT OF NICARAGUA.**

Section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 108 Stat. 475; 22 U.S.C. 2370a) is amended by adding at the end the following new subsection:

“(i) **CERTAIN CLAIMS FOR EXPROPRIATION BY THE GOVERNMENT OF NICARAGUA.**—

“(1) **MATTERS NOT TO BE CONSIDERED.**—Any action described in subsection (a)(1) that was taken by the Government of Nicaragua during the period beginning on January 1, 1956, and ending on January 9, 2002, may not be considered in implementing the prohibition under subsection (a) unless the action has been presented in accordance with the procedure set forth in paragraph (2).

“(2) **ACTIONS PRESENTED.**—An action shall be deemed presented for purposes of paragraph (1) if, not later than 120 days after the date prescribed under paragraph (3), a written description of the action is—

“(A) submitted to the Secretary of State by a United States person; and

“(B) received by the Department of State at—

“(i) the headquarters of the Department of State in Washington, District of Columbia; or

“(ii) the Embassy of the United States of America to Nicaragua.

“(3) **TIME FOR PRESENTATION.**—The Secretary of State shall prescribe the date on which the presentation deadline is based for the purposes of paragraph (2) and shall publish a notice of such date in the Federal Register. The prescribed date may be any date selected by the Secretary in the Secretary's sole discretion, except that such date may not be the date on which this subsection takes effect or any date before such effective date.”.

**SEC. 2512. AMENDMENTS TO THE ARMS CONTROL AND DISARMAMENT ACT.**

(a) **VERIFICATION OF COMPLIANCE.**—Section 306(a) of the Arms Control and Disarmament Act (22 U.S.C. 2577(a)) is amended by inserting “or other formal commitment” after “agreement” each place it appears in paragraphs (1) and (2).

(b) **ANNUAL REPORTS TO CONGRESS.**—

(1) **REQUIREMENT FOR REPORTS.**—Section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a) is amended to read as follows:

“SEC. 403. (a) **REPORT ON OBJECTIVES AND NEGOTIATIONS.**—Not later than April 15 of each year, the President shall submit to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate a report prepared by the Secretary of State in consultation with the Secretary of Defense, the Secretary of Energy, the Director of Central Intelligence, and the Chairman of the Joint Chiefs of Staff on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include—

“(1) a detailed statement concerning the arms control, nonproliferation, and disarmament objectives of the executive branch of Government for the forthcoming year; and

“(2) a detailed assessment of the status of any ongoing arms control, nonproliferation, or disarmament negotiations, including a comprehensive description of negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year.

“(b) **REPORT ON COMPLIANCE.**—Not later than April 15 of each year, the President shall submit to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate a report prepared by the Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with the Secretary of Defense, the Secretary of Energy, and the Chairman of the Joint Chiefs of Staff on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament compliance. Such report shall include—

“(1) a detailed assessment of adherence of the United States to obligations undertaken in arms control, nonproliferation, and disarmament agreements, including information on the policies and organization of each relevant agency or department of the United States to ensure adherence to such obligations, a description of national security programs with a direct bearing on questions of adherence to such obligations and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the preceding year and any corrective action taken;

“(2) a detailed assessment of the adherence of other nations to obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments, including the Missile Technology Control Regime, to which the United States is a participating state, including information on actions taken by each nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control, nonproliferation, or disarmament agreements or commitments, and shall include, in the case of each agreement or commitment about which compliance questions exist—

“(A) a description of each significant issue raised and efforts made and contemplated with the other participating state to seek resolution of the difficulty;

“(B) an assessment of damage, if any, to the United States security and other interests;

“(C) recommendations as to any steps that should be considered to redress any damage to United States national security and to reduce compliance problems; and

“(D) for states that are not parties to such agreements or commitments, a description of activities of concern carried out by such states and efforts underway to bring such states into adherence with such agreements or commitments;

“(3) a discussion of any material non-compliance by foreign governments with their binding commitments to the United States with respect to the prevention of the spread of nuclear explosive devices (as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(4)) by non-nuclear-weapon states (as defined in section 830(5) of that Act (22 U.S.C. 6305(5)) or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 830(8) of that Act (22 U.S.C. 6305(8))), including—

“(A) a net assessment of the aggregate military significance of all such violations;

“(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

“(C) what actions, if any, the President has taken or proposes to take to bring any nation committing such a violation into compliance with those commitments; and

“(4) a specific identification, to the maximum extent practicable in unclassified form, of each and every question that exists with respect to compliance by other countries with arms control, nonproliferation, and disarmament agreements and other formal commitments with the United States.

“(c) **CHEMICAL WEAPONS CONVENTION COMPLIANCE REPORT REQUIREMENT SATISFIED.**—The report submitted pursuant to subsection (b) shall include the information necessary to satisfy Condition 10(C) of the resolution of advice and consent to the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103-21), approved by the Senate on April 24, 1997.

“(d) **CLASSIFICATION OF REPORT.**—The reports required by this section shall be submitted in unclassified form, with classified annexes, as appropriate. The report portions described in paragraphs (2) and (3) of subsection (b) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.

“(e) **REPORTING CONSECUTIVE NONCOMPLIANCE.**—If the President in consecutive reports submitted to the Congress under subsection (b) reports that any nation is not in full compliance with its binding nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.

“(f) **ADDITIONAL REQUIREMENT.**—Each report required by subsection (b) shall include a discussion of each significant issue described in subsection (b)(4) that was contained in a previous report issued under this section during 1995, or after December 31, 1995, until the question or concern has been resolved and such resolution has been reported in detail to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.”

(2) **CONFORMING AMENDMENT.**—The heading of such section is amended to read as follows:

“ANNUAL REPORTS TO CONGRESS”.

#### **SEC. 2513. SUPPORT FOR SIERRA LEONE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) As of January 1, 2003, the United States had provided a total of \$516,000,000 to the United Nations Mission in Sierra Leone and to Operation Focus Relief for the purpose of bringing peace and stability to Sierra Leone.

(2) In fiscal year 2003, Congress appropriated \$144,850,000 to support the United Nations Mission in Sierra Leone, and the President has requested \$84,000,000 for fiscal year 2004 to support such Mission.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the considerable United States investment in stability in Sierra Leone should be secured through appropriate support for activities aimed at enhancing Sierra Leone's long-term prospect for peaceful development.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the

Administrator of the United States Agency for International Development shall submit a report to the appropriate congressional committees on the feasibility of establishing a United States mission in Sierra Leone.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(d) **AVAILABILITY OF FUNDS.**—Of the amounts made available under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or chapter 4 of part II of such Act (22 U.S.C. 2346 et seq.), up to \$15,000,000 may be made available in fiscal year 2004 to support in Sierra Leone programs—

(1) to increase access to primary and secondary education in rural areas;

(2) designed to alleviate poverty; and

(3) to eliminate government corruption.

#### **SEC. 2514. SUPPORT FOR INDEPENDENT MEDIA IN ETHIOPIA.**

Of the amounts made available under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), such sums as are necessary may be made available in fiscal year 2004 to support independent media in Ethiopia, including providing support to—

(1) strengthen the capacity of journalists; and

(2) increase access to printing facilities by individuals who work in the print media.

#### **SEC. 2515. SUPPORT FOR SOMALIA.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the United States should work—

(A) to support efforts to strengthen state capacity in Somalia;

(B) to curtail opportunities for terrorists and other international criminals in Somalia;

(C) to engage sectors of Somali society that are working to improve the conditions of the Somali people; and

(D) to provide alternatives to extremist influences in Somalia by vigorously pursuing small-scale human development initiatives; and

(2) supporting stability in Somalia is in the national interest of the United States.

(b) **REPORT.**—

(1) **REQUIREMENT.**—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on the strategy for engaging with pockets of competence within the borders of Somalia to both strengthen local capacity and to establish incentives for other communities to seek stability.

(2) **CONTENT.**—The report shall—

(A) outline a multi-year strategy for increasing—

(i) access to primary and secondary education and basic health care services, including projected staffing and resource needs in light of Somalia's current capacity;

(ii) support for the efforts underway to establish clear systems for effective regulation and monitoring of Somali remittance companies; and

(iii) support initiatives to rehabilitate Somalia's livestock export sector; and

(B) evaluate the feasibility of using the Ambassador's Fund for Cultural Preservation to support Somalia's cultural heritage, including the oral traditions of the Somali people.

#### **SEC. 2516. SUPPORT FOR CENTRAL AFRICAN STATES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) In recent years, the Central African States of Burundi, the Democratic Republic of the Congo, Rwanda, and Uganda have all been involved in overlapping conflicts that have destabilized the region and contributed to the deaths of millions of civilians.

(2) The Department of State's 2002 Country Report on Human Rights Practices in Burundi states that, "impunity for those who committed serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability."

(3) The Department of State's 2002 Country Report on Human Rights Practices in the Democratic Republic of the Congo states that, "the judiciary continued to be underfunded, inefficient, and corrupt. It largely was ineffective as a deterrent to human rights abuses or as a corrective force."

(4) The Department of State's 2002 Country Report on Human Rights Practices in Rwanda states that "there were credible reports that Rwandan Defense Force units operating in the [Democratic Republic of the Congo] committed deliberate unlawful killings and other serious abuses, and impunity remained a problem," and that "the Government continued to conduct genocide trials at a slow pace."

(5) The Department of State's 2002 Country Report on Human Rights Practices in Uganda states that "security forces used excessive force, at times resulting in death, and committed or failed to prevent extrajudicial killings of suspected rebels and civilians. The Government enacted measures to improve the discipline and training of security forces and punished some security force officials who were guilty of abuses; however, abuses by the security forces remained a problem."

(6) Ongoing human rights abuses in the Democratic Republic of the Congo, including ethnically-based conflict in Ituri province, threaten the integrity and viability of the Congolese peace process.

(b) STATEMENT OF POLICY.—It is the policy of the United States Government to support—

(1) efforts aimed at accounting for the grave human rights abuses and crimes against humanity that have taken place throughout the central African region since 1993;

(2) programs to encourage reconciliation in communities affected by such crimes; and

(3) efforts aimed at preventing such crimes in the future.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the actions taken by the United States Government to implement the policy set out in subsection (b).

(d) AUTHORIZATION.—Of the amounts made available under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), up to \$12,000,000 may be made available for fiscal year 2004 to support the development of responsible justice and reconciliation mechanisms in the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda, including programs to increase awareness of gender-based violence and to improve local capacity to prevent and respond to such violence.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

#### SEC. 2517. AFRICAN CONTINGENCY OPERATIONS TRAINING AND ASSISTANCE PROGRAM.

(a) AVAILABILITY OF FUNDS.—Of the amounts made available under chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.), \$15,000,000 may be made available in fiscal year 2004 to support the African Contingency Operations Training and Assistance program (in this section referred to as "ACOTA") to enhance the capacity of African militaries to participate in peace support operations.

(b) ELIGIBILITY FOR PARTICIPATION.—

(1) CRITERIA.—Countries receiving ACOTA support shall be selected on the basis of—

(A) the country's willingness to participate in peace support operations;

(B) the country's military capability;

(C) the country's democratic governance;

(D) the nature of the relations between the civil and military authorities within the country;

(E) the human rights record of the country, with particular attention paid to the record of the military; and

(F) the relations between the country and its neighboring states.

(2) ELIGIBILITY REVIEW.—The eligibility status of participating countries shall be reviewed at least annually.

(c) SENSE OF CONGRESS ON LOCAL CONSULTATIONS.—It is the sense of Congress that the Department of State should—

(1) provide information about the nature and purpose of ACOTA training to nationals of a country participating in ACOTA, including parliamentarians and nongovernmental humanitarian and human rights organizations; and

(2) to the extent possible, provide such information prior to the beginning of ACOTA training activities in such country.

(d) SENSE OF CONGRESS ON MONITORING.—It is the sense of Congress that—

(1) the Department of State and other relevant departments and agencies should monitor the performance and conduct of military units that receive ACOTA training or support; and

(2) the Department of State should provide to the appropriate congressional committees an annual report on the information gained through such monitoring.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

#### SEC. 2518. CONDITION ON THE PROVISION OF CERTAIN FUNDS TO INDONESIA.

(a) CONDITION ON ASSISTANCE.—Subject to subsection (c), no funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763) or chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) in fiscal year 2004, other than funds made available for expanded military education and training under such chapter, may be available for a program that involves the Government of Indonesia or the Indonesian Armed Forces until the President makes the certification described in subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification submitted by the President to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are taking effective measures, including cooperating with the Director of the Federal Bureau of Investigation—

(1) to conduct a full investigation of the attack on United States citizens in West Papua, Indonesia on August 31, 2002; and

(2) to criminally prosecute the individuals responsible for such attack.

(c) LIMITATION.—Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

#### SEC. 2519. ASSISTANCE TO COMBAT HIV/AIDS IN CERTAIN COUNTRIES OF THE CARIBBEAN REGION.

Section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(ii)(VII)) is amended by inserting after "Zambia," the following: "Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, Dominican Republic,".

#### SEC. 2520. REPEAL OF OBSOLETE ASSISTANCE AUTHORITY.

Sections 495 through 495K of the Foreign Assistance Act of 1961 (22 U.S.C. 2292f through 2292q) are repealed.

#### SEC. 2521. TECHNICAL CORRECTIONS.

(a) ERROR IN ENROLLMENT.—Effective as of November 21, 1990, as if included therein, section 10(a)(1) of Public Law 101-623 (104 Stat. 3356), relating to an amendment of section 610(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2360(a)), is amended by striking "'part I'" and inserting "'part I)'".

(b) REDESIGNATION OF DUPLICATIVELY NUMBERED SECTION.—Section 620G of the Foreign Assistance Act of 1961, as added by section 149 of Public Law 104-164 (110 Stat. 1436; 22 U.S.C. 2378a), is redesignated as section 620J.

(c) CORRECTION OF SHORT TITLE.—Effective as of September 30, 1961, as if included therein, section 111 of Public Law 87-329 (75 Stat. 719; 22 U.S.C. 2151 note) is amended by striking "'The Foreign'" and inserting "the 'Foreign'".

#### DIVISION C—MILLENNIUM CHALLENGE ASSISTANCE

##### SEC. 3001. SHORT TITLE.

This division may be cited as the "Millennium Challenge Act of 2003".

##### SEC. 3002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) On March 14, 2002, President George W. Bush stated that "America supports the international development goals in the U.N. Millennium Declaration, and believes that the goals are a shared responsibility of developed and developing countries." The President also called for a "new compact for global development, defined by new accountability for both rich and poor nations" and pledged support for increased assistance from the United States through the establishment of a Millennium Challenge Account for countries that govern justly, invest in their own people, and encourage economic freedom.

(2) The elimination of extreme poverty and the achievement of the other international development goals of the United Nations Millennium Declaration adopted by the United Nations General Assembly on September 8, 2000, are important objectives and it is appropriate for the United States to make development assistance available in a manner that will assist in achieving such goals.

(3) The availability of financial assistance through a Millennium Challenge Account,

linked to performance by developing countries, can contribute significantly to the achievement of the international development goals of the United Nations Millennium Declaration.

(b) **PURPOSES.**—The purposes of this division are—

(1) to provide United States assistance for global development through the Millennium Challenge Corporation, as described in section 3102; and

(2) to provide such assistance in a manner that promotes economic growth and the elimination of extreme poverty and strengthens good governance, economic freedom, and investments in people.

#### **SEC. 3003. DEFINITIONS.**

In this division:

(1) **BOARD.**—The term “Board” means the Millennium Challenge Board established by section 3101(c).

(2) **CANDIDATE COUNTRY.**—The term “candidate country” means a country that meets the criteria set out in section 3103.

(3) **CEO.**—The term “CEO” means the chief executive officer of the Corporation established by section 3101(b).

(4) **CORPORATION.**—The term “Corporation” means the Millennium Challenge Corporation established by section 3101(a).

(5) **ELIGIBLE COUNTRY.**—The term “eligible country” means a candidate country that is determined, under section 3104, as being eligible to receive assistance under this division.

(6) **MILLENNIUM CHALLENGE ACCOUNT.**—The term “Millennium Challenge Account” means the account established under section 3301.

#### **TITLE XXXI—MILLENNIUM CHALLENGE ASSISTANCE**

#### **SEC. 3101. ESTABLISHMENT AND MANAGEMENT OF THE MILLENNIUM CHALLENGE CORPORATION.**

(a) **ESTABLISHMENT OF THE CORPORATION.**—There is established in the executive branch a corporation within the meaning of section 103 of title 5, United States Code, to be known as the Millennium Challenge Corporation with the powers and authorities described in title XXXII.

(b) **CEO OF THE CORPORATION.**—

(1) **IN GENERAL.**—There shall be a chief executive officer of the Corporation who shall be responsible for the management of the Corporation.

(2) **APPOINTMENT.**—The President shall appoint, by and with the advice and consent of the Senate, the CEO.

(3) **RELATIONSHIP TO THE SECRETARY OF STATE.**—The CEO shall report to and be under the direct authority and foreign policy guidance of the Secretary of State. The Secretary of State shall coordinate the provision of United States foreign assistance.

(4) **DUTIES.**—The CEO shall, in consultation with the Board, direct the performance of all functions and the exercise of all powers of the Corporation, including ensuring that assistance under this division is coordinated with other United States economic assistance programs.

(5) **EXECUTIVE LEVEL II.**—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Chief Executive Officer, Millennium Challenge Corporation.”

(c) **MILLENNIUM CHALLENGE BOARD.**—

(1) **ESTABLISHMENT OF THE BOARD.**—There is established a Millennium Challenge Board.

(2) **COMPOSITION.**—The Board shall be composed of the following members:

(A) The Secretary of State, who shall serve as the Chair of the Board.

(B) The Secretary of the Treasury.

(C) The Administrator of the United States Agency for International Development.

(D) The CEO.

(E) The United States Trade Representative.

(2) **FUNCTIONS OF THE BOARD.**—The Board shall perform the functions specified to be carried out by the Board in this division.

#### **SEC. 3102. AUTHORIZATION FOR MILLENNIUM CHALLENGE ASSISTANCE.**

(a) **AUTHORITY.**—The Corporation is authorized to provide assistance to an eligible entity consistent with the purposes of this division set out in section 3002(b) to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract. Assistance provided under this division may be provided notwithstanding any other provision of law.

(b) **EXCEPTION.**—Assistance under this division may not be used for military assistance or training.

(c) **FORM OF ASSISTANCE.**—Assistance under this division may be provided in the form of grants to eligible entities.

(d) **COORDINATION.**—The provision of assistance under this division shall be coordinated with other United States foreign assistance programs.

(e) **APPLICATIONS.**—An eligible entity seeking assistance under this division to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract shall submit a proposal for the use of such assistance to the Board in such manner and accompanied by such information as the Board may reasonably require.

#### **SEC. 3103. CANDIDATE COUNTRY.**

(a) **IN GENERAL.**—A country is a candidate country for the purposes of this division—

(1) during fiscal year 2004, if such country is eligible to receive loans from the International Development Association;

(2) during fiscal year 2005, if the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year; and

(3) during any fiscal year after 2005—

(A) for which more than \$5,000,000,000 has been appropriated to the Millennium Challenge Account, if the country is classified as a lower middle income country by the World Bank on the first day of such fiscal year; or

(B) for which not more than \$5,000,000,000 has been appropriated to such Millennium Challenge Account, the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year.

(b) **LIMITATION ON ASSISTANCE TO CERTAIN CANDIDATE COUNTRIES.**—In a fiscal year in which subparagraph (A) of subsection (a)(3) applies with respect to determining candidate countries, not more than 20 percent of the amounts appropriated to the Millennium Challenge Account shall be available for assistance to countries that would not be candidate countries if subparagraph (B) of subsection (a)(3) applied during such year.

#### **SEC. 3104. ELIGIBLE COUNTRY.**

(a) **DETERMINATION BY THE BOARD.**—The Board shall determine whether a candidate country is an eligible country by evaluating the demonstrated commitment of the government of the candidate country to—

(1) just and democratic governance, including a demonstrated commitment to—

(A) promote political pluralism and the rule of law;

(B) respect human and civil rights;

(C) protect private property rights;

(D) encourage transparency and accountability of government; and

(E) limit corruption;

(2) economic freedom, including a demonstrated commitment to economic policies that—

(A) encourage citizens and firms to participate in global trade and international capital markets;

(B) promote private sector growth; and

(C) strengthen market forces in the economy; and

(3) investments in the people of such country, including improving the availability of educational opportunities and health care for all citizens of such country.

(b) **ASSESSING ELIGIBILITY.**—

(1) **IN GENERAL.**—To evaluate the demonstrated commitment of a candidate country for the purposes of subsection (a), the CEO shall recommend objective and quantifiable indicators, to be approved by the Board, of a candidate country's performance with respect to the criteria described in paragraphs (1), (2), and (3) of such subsection. Such indicators shall be used in selecting eligible countries.

(2) **ANNUAL PUBLICATION OF INDICATORS.**—

(A) **INITIAL PUBLICATION.**—Not later than 45 days prior to the final publication of indicators under subparagraph (B) in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that the Board proposes to use for the purposes of paragraph (1) in such year.

(B) **FINAL PUBLICATION.**—Not later than 15 days prior to the selection of eligible countries in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that are to be used for the purposes of paragraph (1) in such year.

(3) **CONSIDERATION OF PUBLIC COMMENT.**—The Board shall consider any comments on the proposed indicators published under paragraph (2)(A) that are received within 30 days after the publication of such indicators when selecting the indicators to be used for the purposes of paragraph (1).

#### **SEC. 3105. ELIGIBLE ENTITY.**

(a) **ASSISTANCE.**—Any eligible entity may receive assistance under this division to carry out a project in an eligible country for the purpose of making progress toward achieving an objective of a Millennium Challenge Contract.

(b) **DETERMINATIONS OF ELIGIBILITY.**—The Board shall determine whether a person or governmental entity is an eligible entity for the purposes of this section.

(c) **ELIGIBLE ENTITIES.**—For the purposes of this section, an eligible entity is—

(1) a government, including a local or regional government; or

(2) a nongovernmental organization or other private entity.

#### **SEC. 3106. MILLENNIUM CHALLENGE CONTRACT.**

(a) **IN GENERAL.**—The Board shall invite the government of an eligible country to enter into a Millennium Challenge Contract with the Corporation. A Millennium Challenge Contract shall establish a multiyear plan for the eligible country to achieve specific objectives consistent with the purposes set out in section 3002(b).

(b) **CONTENT.**—A Millennium Challenge Contract shall include—

(1) specific objectives to be achieved by the eligible country during the term of the Contract;

(2) a description of the actions to be taken by the government of the eligible country and the United States Government for achieving such objectives;

(3) the role and contribution of private entities, nongovernmental organizations, and other organizations in achieving such objectives;

(4) a description of beneficiaries, to the extent possible disaggregated by gender;

(5) regular benchmarks for measuring progress toward achieving such objectives;

(6) a schedule for achieving such objectives;

(7) a schedule of evaluations to be performed to determine whether the country is



meeting its commitments under the Contract;

(8) a statement that the Corporation intends to consider the eligible country's performance in achieving such objectives in making decisions about providing continued assistance under the Contract;

(9) the strategy of the eligible country to sustain progress made toward achieving such objectives after the expiration of the Contract;

(10) a plan to ensure financial accountability for any assistance provided to a person or government in the eligible country under this division; and

(11) a statement that nothing in the Contract may be construed to create a legally binding or enforceable obligation on the United States Government or on the Corporation.

(c) **REQUIREMENT FOR CONSULTATION.**—The Corporation shall seek to ensure that the government of an eligible country consults with private entities and nongovernmental organizations in the eligible country for the purpose of ensuring that the terms of a Millennium Challenge Contract entered into by the Corporation and the eligible country—

(1) reflect the needs of the rural and urban poor in the eligible country; and

(2) provide means to assist poor men and women in the eligible country to escape poverty through their own efforts.

(d) **REQUIREMENT FOR APPROVAL BY THE BOARD.**—A Millennium Challenge Contract shall be approved by the Board before the Corporation enters into the Contract.

**SEC. 3107. SUSPENSION OF ASSISTANCE TO AN ELIGIBLE COUNTRY.**

The Secretary of State shall direct the CEO to suspend the provision of assistance to an eligible country under a Millennium Challenge Contract during any period for which such eligible country is ineligible to receive assistance under a provision of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

**SEC. 3108. DISCLOSURE.**

(a) **REQUIREMENT FOR DISCLOSURE.**—The Corporation shall make available to the public on a continuous basis and on the earliest possible date, but not later than 15 days after the information is available to the Corporation, the following information:

(1) A list of the candidate countries determined to be eligible countries during any year.

(2) The text of each Millennium Challenge Contract entered into by the Corporation.

(3) For assistance provided under this division—

(A) the name of each entity to which assistance is provided;

(B) the amount of assistance provided to the entity; and

(C) a description of the program or project for which assistance was provided.

(4) For each eligible country, an assessment of—

(A) the progress made during each year by an eligible country toward achieving the objectives set out in the Millennium Challenge Contract entered into by the eligible country; and

(B) the extent to which assistance provided under this division has been effective in helping the eligible country to achieve such objectives.

(b) **DISSEMINATION.**—The information required to be disclosed under subsection (a) shall be made available to the public by means of publication in the Federal Register and posting on the Internet, as well as by any other methods that the Board determines appropriate.

**SEC. 3109. MILLENNIUM CHALLENGE ASSISTANCE TO CANDIDATE COUNTRIES.**

(a) **AUTHORITY.**—Notwithstanding any other provision of this division and subject

to the limitation in subsection (c), the Corporation is authorized to provide assistance to a candidate country that meets the conditions in subsection (b) for the purpose of assisting such country to become an eligible country.

(b) **CONDITIONS.**—Assistance under subsection (a) may be provided to a candidate country that is not an eligible country under section 3104 because of—

(1) the unreliability of data used to assess its eligibility under section 3104; or

(2) the failure of the government of the candidate country to perform adequately with respect to only 1 of the indicators described in subsection (a) of section 3104.

(c) **LIMITATION.**—The total amount of assistance provided under subsection (a) in a fiscal year may not exceed 10 percent of the funds made available to the Millennium Challenge Account during such fiscal year.

**SEC. 3110. ANNUAL REPORT TO CONGRESS.**

Not later than January 31 of each year, the President shall submit to Congress a report on the assistance provided under this division during the prior fiscal year. The report shall include—

(1) information regarding obligations and expenditures for assistance provided to each eligible country in the prior fiscal year;

(2) a discussion, for each eligible country, of the objectives of such assistance;

(3) a description of the coordination of assistance under this division with other United States foreign assistance and related trade policies;

(4) a description of the coordination of assistance under this division with the contributions of other donors; and

(5) any other information the President considers relevant to assistance provided under this division.

**TITLE XXXII—POWERS AND AUTHORITIES OF THE MILLENNIUM CHALLENGE CORPORATION**

**SEC. 3201. POWERS OF THE CORPORATION.**

(a) **POWERS.**—The Corporation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may prescribe, amend, and repeal such rules, regulations, and procedures as may be necessary for carrying out the functions of the Corporation;

(4) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(6) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Corporation;

(7) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this division;

(8) may use the United States mails in the same manner and on the same conditions as the executive departments of Government;

(9) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(10) may hire or obtain passenger motor vehicles; and

(11) shall have such other powers as may be necessary and incident to carrying out this division.

(b) **CONTRACTING AUTHORITY.**—The functions and powers authorized by this division may be performed without regard to any provision of law regulating the making, performance, amendment, or modification of contracts, grants, and other agreements.

**SEC. 3202. COORDINATION WITH USAID.**

(a) **REQUIREMENT FOR COORDINATION.**—An employee of the Corporation assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission in a foreign country shall, in a manner that is consistent with the authority of the Chief of Mission, coordinate the performance of the functions of the Corporation in such country with the officer in charge of the United States Agency of International Development programs located in such country.

(b) **USAID PROGRAMS.**—The Administrator of the United States Agency for International Development shall seek to ensure that appropriate programs of the Agency play a primary role in preparing candidate countries to become eligible countries under section 3104.

**SEC. 3203. PRINCIPAL OFFICE.**

The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

**SEC. 3204. PERSONNEL AUTHORITIES.**

(a) **REQUIREMENT TO PRESCRIBE A HUMAN RESOURCES MANAGEMENT SYSTEM.**—The CEO shall, jointly with the Director of the Office of Personnel Management, prescribe regulations that establish a human resources management system, including a retirement benefits program, for the Corporation.

(b) **RELATIONSHIP TO OTHER LAWS.**—

(1) **INAPPLICABILITY OF CERTAIN LAWS.**—Except as provided in paragraph (2), the provisions of title 5, United States Code, and of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) shall not apply to the human resource management program established pursuant to paragraph (1).

(2) **APPLICATION OF CERTAIN LAWS.**—The human resources management system established pursuant to subsection (a) may not waive, modify, or otherwise affect the application to employees of the Corporation of the following provisions:

(A) Section 2301 of title 5, United States Code.

(B) Section 2302(b) of such title.

(C) Chapter 63 of such title (relating to leave).

(D) Chapter 72 of such title (relating to antidiscrimination).

(E) Chapter 73 of such title (relating to suitability, security, and conduct).

(F) Chapter 81 of such title (relating to compensation for work injuries).

(G) Chapter 85 of such title (relating to unemployment compensation).

(H) Chapter 87 of such title (relating to life insurance).

(I) Chapter 89 of such title (relating to health insurance).

(J) Chapter 90 of such title (relating to long-term care insurance).

(3) **RELATIONSHIP TO RETIREMENT BENEFITS LAWS.**—The retirement benefits program referred to in subsection (a) shall permit the employees of the Corporation to be eligible, unless the CEO determines otherwise, for benefits under—

(A) subchapter III of chapter 83 and chapter 84 of title 5, United States Code (relating to retirement benefits); or

(B) chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) (relating to the Foreign Service Retirement and Disability System).

(c) **APPOINTMENT AND TERMINATION.**—Except as otherwise provided in this section, the CEO may, without regard to any civil

service or Foreign Service law or regulation, appoint and terminate employees as may be necessary to enable the Corporation to perform its duties.

(d) **COMPENSATION.—**

(1) **AUTHORITY TO FIX COMPENSATION.—**Subject to the provisions of paragraph (2), the CEO may fix the compensation of employees of the Corporation.

(2) **LIMITATIONS ON COMPENSATION.—**The compensation for an employee of the Corporation may not exceed the lesser of—

(A) the rate of compensation established under title 5, United States Code, or any Foreign Service law for an employee of the Federal Government who holds a position that is comparable to the position held by the employee of the Corporation; or

(B) the rate of pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) **TERM OF EMPLOYMENT.—**

(1) **IN GENERAL.—**Except as provided in paragraphs (2) and (3), no individual may be employed by the Corporation for a total period of employment that exceeds 5 years.

(2) **EXCEPTED POSITIONS.—**The CEO, and not more than 3 other employees of the Corporation who are designated by the CEO, may be employed by the Corporation for an unlimited period of employment.

(3) **WAIVER.—**The CEO may waive the maximum term of employment described in paragraph (1) if the CEO determines that such waiver is essential to the achievement of the purposes of this division.

(f) **AUTHORITY FOR TEMPORARY EMPLOYEES.—**The CEO may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) **DETAIL OF FEDERAL EMPLOYEES TO THE CORPORATION.—**Any Federal Government employee may be detailed to the Corporation on a fully or partially reimbursable or on a non-reimbursable basis, and such detail shall be without interruption or loss of civil service or Foreign Service status or privilege.

(h) **REINSTATEMENT.—**An employee of the Federal Government serving under a career or career conditional appointment, or the equivalent, in a Federal agency who transfers to or converts to an appointment in the Corporation with the consent of the head of the agency is entitled to be returned to the employee's former position or a position of like seniority, status, and pay without grade or pay reduction in the agency if the employee—

(1) is being separated from the Corporation for reasons other than misconduct, neglect of duty, or malfeasance; and

(2) applies for return to the agency not later than 30 days before the date of the termination of the employment in the Corporation.

**SEC. 3205. PERSONNEL OUTSIDE THE UNITED STATES.**

(a) **ASSIGNMENT TO UNITED STATES EMBASSIES.—**An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission.

(b) **PRIVILEGES AND IMMUNITIES.—**The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of

a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(c) **RESPONSIBILITY OF CHIEF OF MISSION.—**An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

**SEC. 3206. USE OF SERVICES OF OTHER AGENCIES.**

The Corporation may utilize the information services, facilities and personnel of, or procure commodities from, any agency of the United States Government on a fully or partially reimbursable or nonreimbursable basis under such terms and conditions as may be agreed to by the head of such agency and the Corporation for carrying out this division.

**SEC. 3207. ADMINISTRATIVE AUTHORITIES.**

The Corporation is authorized to use any of the administrative authorities contained in the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) unless such authority is inconsistent with a provision of this division.

**SEC. 3208. APPLICABILITY OF CHAPTER 91 OF TITLE 31, UNITED STATES CODE.**

The Corporation shall be subject to chapter 91 of title 31, United States Code.

**TITLE XXXIII—THE MILLENNIUM CHALLENGE ACCOUNT AND AUTHORIZATION OF APPROPRIATIONS**

**SEC. 3301. ESTABLISHMENT OF THE MILLENNIUM CHALLENGE ACCOUNT.**

There is established on the books of the Treasury an account to be known as the Millennium Challenge Account that shall be administered by the CEO under the direction of the Board. All amounts made available to carry out the provisions of this division shall be deposited into such Account and such amounts shall be available to carry out such provisions.

**SEC. 3302. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.—**There are authorized to be appropriated to carry out the provisions of this division \$1,000,000,000 for fiscal year 2004, \$2,300,000,000 for fiscal year 2005, and \$5,000,000,000 for fiscal year 2006.

(b) **AVAILABILITY.—**Funds appropriated under subsection (a)—

(1) are authorized to remain available until expended, subject to appropriations acts; and

(2) are in addition to funds otherwise available for such purposes.

(c) **ALLOCATION OF FUNDS.—**

(1) **IN GENERAL.—**The Corporation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this division. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this division or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) **NOTIFICATION.—**The notification requirements of section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)) shall apply to any allocation or transfer of funds made pursuant to paragraph (1).

**SA 1137.**Mr. SANTORIUM submitted an amendment intended to be proposed

to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.**

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25)) is amended by striking "subparagraph (A)" and inserting "clause (i)".

**SA 1138.**Mr. BROWNBACK proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal year 2004 through 2007, and for other purposes; as follows:

At the end of title VII, add the following:

**SEC. \_\_\_\_ TREATMENT OF NATIONALS OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.**

For purposes of eligibility for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or for asylum under section 208 of such Act (8 U.S.C. 1158), a national of the Democratic People's Republic of Korea shall not be considered a national of the Republic of Korea.

**SA 1139.**Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike section 204.

In section 207, strike "agency" and insert "agency, except that funds may be transferred by the Secretary for the procurement of goods and services from other departments or agencies pursuant to section 1535 of title 31, United States Code".

In section 402(a), strike "90 days" and insert "120 days".

In section 501(a), strike paragraph (3) and insert the following:

(3) by adding at the end the following:

"(C) OTHER REVIEW OF DESIGNATION.—

"(i) **IN GENERAL.—**If in a 4-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6). Such review shall be completed not later than 180 days after the end of such 4-year period

"(ii) **PROCEDURES.—**If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

“(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.”.

Strike section 601, and insert the following:

**SEC. 601. PLANS, REPORTS, AND BUDGET DOCUMENTS.**

(a) REQUIREMENTS UNDER THE UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.—

(1) REQUIREMENTS.—Section 502 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462) is amended to read as follows:

“SEC. 502. (a) INTERNATIONAL INFORMATION STRATEGY.—The President shall develop and report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an international information strategy. The international information strategy shall consist of public information plans designed for major regions of the world, including a focus on regions with significant Muslim populations.

“(b) NATIONAL SECURITY STRATEGY.—In the preparation of the annual report required by section 108 of the National Security Act of 1947 (50 U.S.C. 404a), the President shall ensure that the report includes a comprehensive discussion of how public diplomacy activities are integrated into the national security strategy of the United States, and how such activities are designed to advance the goals and objectives identified in the report pursuant to section 108(b)(1) of that Act.

“(c) PLANS REGARDING DEPARTMENT ACTIVITIES.—

“(1) STRATEGIC PLAN.—In the updated and revised strategic plan for program activities of the Department required to be submitted under section 306 of title 5, United States Code, the Secretary shall identify how public diplomacy activities of the Department are designed to advance each strategic goal identified in the plan.

“(2) ANNUAL PERFORMANCE PLAN.—The Secretary shall ensure that each annual performance plan for the Department required by section 1115 of title 31, United States Code, includes a detailed discussion of public diplomacy activities of the Department.

“(3) BUREAU AND MISSION PERFORMANCE PLAN.—The Secretary shall ensure that each regional bureau's performance plan, and other bureau performance plans as appropriate, and each mission performance plan, under regulations of the Department, includes a public diplomacy component.”.

(2) CONFORMING AMENDMENT.—The heading for such section is amended to read as follows:

“PLANS, REPORTS, AND BUDGET DOCUMENTS”.

(b) DEADLINE FOR REPORTING INTERNATIONAL INFORMATION STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall report to the appropriate congressional committees the international information strategy described in subsection (a) of section 502 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462), as amended by subsection (a).

In section 602, strike the heading and insert the following:

**SEC. 602. TRAINING.**

In section 612(b)(1), strike “binational Fulbright commissions” and insert “such program”.

In section 612(b)(10), strike subparagraphs (A) and (B) and insert the following:

(A) bilateral exchanges to train athletes or teams;

(B) bilateral exchanges to assist countries in establishing or improving their sports, health, or physical education programs;

In section 613(b), strike paragraph (2) and insert the following:

(2) is at least 15 years of age but not more than 18 years and 6 months of age at the time of enrollment in the program;

In section 622, strike subsection (a) and insert the following:

(a) ESTABLISHMENT.—There is established a fellowship program under to which the Broadcasting Board of Governors may provide fellowships to foreign national journalists while they serve, for a period not to exceed 6 months, in positions at the Voice of America, RFE/RL, Incorporated, or Radio Free Asia.

In section 623, strike subsection (b) and insert the following:

(b) REMUNERATION.—The Board shall determine the amount of remuneration a Fellow will receive for service under this subtitle. In making the determination, the Board shall take into consideration the position in which the Fellow will serve, the Fellow's experience and expertise, and other sources of funds available to the Fellow.

**SA 1140.** Mr. BINGAMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division B, insert the following:

**SEC. . ALLOWANCE OF DEDUCTION FOR QUALIFIED ENERGY MANAGEMENT DEVICES.**

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations), as amended by this Act, is amended by inserting after section 179C the following new section:

**“SEC. 179D. DEDUCTION FOR QUALIFIED ENERGY MANAGEMENT DEVICES.**

“(a) ALLOWANCE OF DEDUCTION.—In the case of a taxpayer who is a supplier of electric energy or a provider of electric energy services, there shall be allowed as a deduction an amount equal to the cost of each qualified energy management device placed in service during the taxable year.

“(b) MAXIMUM DEDUCTION.—The deduction allowed by this section with respect to each qualified energy management device shall not exceed \$30.

“(c) QUALIFIED ENERGY MANAGEMENT DEVICE.—The term ‘qualified energy management device’ means any meter or metering device which is used by the taxpayer—

“(1) to measure and record electricity usage data on a time-differentiated basis in at least 4 separate time segments per day, and

“(2) to provide such data on at least a monthly basis to both consumers and the taxpayer.

“(d) PROPERTY USED OUTSIDE THE UNITED STATES NOT QUALIFIED.—No deduction shall be allowed under subsection (a) with respect to property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

“(e) BASIS REDUCTION.—

“(1) IN GENERAL.—For purposes of this subtitle, if a deduction is allowed under this section with respect to a qualified energy management device, the basis of such property shall be reduced by the amount of the deduction so allowed.

“(2) ORDINARY INCOME RECAPTURE.—For purposes of section 1245, the amount of the deduction allowable under subsection (a) with respect to any property that is of a character subject to the allowance for depreciation shall be treated as a deduction allowed for depreciation under section 167.

“(f) TERMINATION.—This section shall not apply to any qualified energy management device placed in service after December 31, 2007.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 263(a)(1), as amended by this Act, is amended by striking “or” at the end of subparagraph (I), by striking the period at the end of subparagraph (J) and inserting “, or”, and by inserting after subparagraph (J) the following new subparagraph:

“(K) expenditures for which a deduction is allowed under section 179D.”.

(2) Section 312(k)(3)(B), as amended by this Act, is amended by striking “or 179C” each place it appears in the heading and text and inserting “179C, or 179D”.

(3) Section 1016(a), as amended by this Act, is amended by striking “and” at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting “, and”, and by adding at the end the following new paragraph:

“(35) to the extent provided in section 179D(e)(1).”.

(4) Section 1245(a), as amended by this Act, is amended by inserting “179D,” after “179C,” both places it appears in paragraphs (2)(C) and (3)(C).

(5) The table of contents for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 179C the following new item:

“Sec. 179D. Deduction for qualified energy management devices.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified energy management devices placed in service after the date of the enactment of this Act, in taxable years ending after such date.

**SA 1141.** Mrs. BOXER (for herself, Mr. CHAFEE, Ms. MIKULSKI, Mrs. MURRAY, Ms. SNOWE, Mr. BIDEN, Mrs. CLINTON, and Mr. LAUTENBERG) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, insert the following new section:

**SEC. 815. GLOBAL DEMOCRACY PROMOTION.**

(a) FINDINGS.—Congress makes the following findings:

(1) It is a fundamental principle of American medical ethics and practice that health care providers should, at all times, deal honestly and openly with patients. Any attempt to subvert the private and sensitive physician-patient relationship would be intolerable in the United States and is an unjustifiable intrusion into the practices of health care providers when attempted in other countries.

(2) Freedom of speech is a fundamental American value. The ability to exercise the right to free speech, which includes the “right of the people peaceably to assemble, and to petition the government for a redress of grievances” is essential to a thriving democracy and is protected under the United States Constitution.

(3) The promotion of democracy is a principal goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic institutions and the promotion of an independent and politically active civil society in developing countries.

(4) Limiting eligibility for United States development and humanitarian assistance upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address, within the democratic process, a particular issue affecting the citizens of its own country directly undermines a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(5) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization's willingness to forgo its right to provide, with its own funds, medical services that are legal in its own country and would be legal if provided in the United States constitutes unjustifiable interference with the ability of independent organizations to serve the critical health needs of their fellow citizens and demonstrates a disregard and disrespect for the laws of sovereign nations as well as for the laws of the United States.

(b) ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS UNDER PART I OF THE FOREIGN ASSISTANCE ACT OF 1961.—Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

**SA 1142.** Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike lines 17 through 19 and insert the following:

(5) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials", \$21,000,000 for the fiscal year 2004, and \$55,900,000 to be available for expenses related to protection of foreign missions and officials incurred prior to October 1, 2003.

**SA 1143.** Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXI, add the following new section:

#### SEC. 2113. REAUTHORIZATION OF RELIEF FOR TORTURE VICTIMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 4(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal year 2004 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) there is authorized to be appropriated to the President to carry out section 130 of such Act \$11,000,000 for fiscal year 2004."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 2003.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES CONTRIBUTION TO THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amounts authorized to be appropriated for fiscal year 2004 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2221 et seq.), there is authorized to be appropriated to the President for a voluntary contribution to the United Nations Voluntary Fund for Victims of Torture \$6,000,000 for fiscal year 2004.

(c) AUTHORIZATION OF APPROPRIATIONS FOR DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal year 2004, there is authorized to be appropriated to carry out subsection (a) \$20,000,000 for fiscal year 2004."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 2003.

**SA 1144.** Mr. ALLEN (for himself, Mr. ALEXANDER, Mr. GRAHAM of South Carolina, and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

#### SEC. 214. COMBATTING PIRACY OF UNITED STATES COPYRIGHTED MATERIALS.

(a) PROGRAM AUTHORIZED.—The Secretary may carry out a program of activities to combat piracy in countries that are not members of the Organization for Economic Cooperation and Development (OECD), including activities as follows:

(1) The provision of equipment and training for law enforcement, including in the interpretation of intellectual property laws.

(2) The provision of training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) The provision of assistance in complying with obligations under applicable international treaties and agreements on copyright and intellectual property.

(b) DISCHARGE THROUGH BUREAU OF ECONOMIC AFFAIRS.—The Secretary shall carry out the program authorized by subsection (a) through the Bureau of Economic Affairs of the Department.

(c) CONSULTATION WITH WORLD INTELLECTUAL PROPERTY ORGANIZATION.—In carrying out the program authorized by subsection (a), the Secretary shall, to the maximum extent practicable, consult with and provide assistance to the World Intellectual Property Organization in order to promote the integration of countries described in subsection (a) into the global intellectual property system.

(d) FUNDING.—Of the amount authorized to be appropriated for other educational and cultural exchange programs by section 102(a)(1)(B), \$5,000,000 may be available in fiscal year 2004 for the program authorized by subsection (a).

**SA 1145.** Mr. BROWNBACK proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the appropriate place in the amendment insert the following:

#### SEC. . IRAN DEMOCRACY ACT.

(a) FINDINGS.—The Congress finds the following:

(1) Iran is neither free nor democratic. Men and women are not treated equally, in Iran. Women are legally deprived of internationally recognized human rights, and religious freedom is not respected under the laws of Iran. Undemocratic institutions, such as the Guardians Council, thwart the decisions of elected leaders.

(2) The April 2003 report of the Department of State states that Iran remained the most active state sponsor of terrorism in 2002.

(3) That report also states that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(b) POLICY.—It is the policy of the United States that—

(1) currently, there is not a free and fully democratic government in Iran,

(2) the United States supports transparent, full democracy in Iran,

(3) the United States supports the rights of the Iranian people to choose their system of government; and

(4) the United States condemns the brutal treatment, imprisonment and torture of Iranian civilians expressing political dissent.

**SA 1146.** Mr. SMITH (for himself, Mr. BIDEN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII add the following:

#### SEC. 815. ELIGIBILITY OF CERTAIN COUNTRIES FOR UNITED STATES MILITARY ASSISTANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) On May 8, 2003, the Senate voted 96 to 0 to approve the resolution of advice and consent to the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia (T.Doc. 108-4).

(2) It is in the interest of the United States, the North Atlantic Treaty Organization (NATO), and the 7 countries that concluded the Protocols that these countries be treated in the same manner as the 18 allies of the United States that are member countries of NATO as of the date of the enactment of this Act.

(b) **AMENDMENT OF AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.**—Section 2007(d)(1) of the American Servicemembers' Protection Act of 2002 (title II of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (Public Law 107-206; 116 Stat. 905)) is amended by inserting "or a country that has concluded a protocol with NATO for the accession of the country to NATO" before the semicolon.

**SA 1147.** Mr. BROWNBACK (for himself, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 214. ENHANCING REFUGEE RESETTLEMENT TO ENSURE NATIONAL SECURITY AND MAINTAIN THE UNITED STATES COMMITMENT TO REFUGEES.**

(a) **FINDINGS.**—Congress finds the following:

(1) The United States has a longstanding tradition of providing refugee assistance and relief through the Department of State's migration and refugee assistance account for refugees throughout the world who have been subjected to religious and other forms of persecution.

(2) A strong refugee resettlement and assistance program is a critical component of the United States' strong commitment to freedom.

(3) The United States refugee admissions program has been in decline for much of the last 5 years, resulting in a chronic inability of the United States to meet the ceiling on refugee admissions that has been set by the President each year.

(4) Refugee applicants have always undergone rigorous security screenings. The September 11, 2001, terrorist attacks on the United States have rightfully increased the awareness of the need to ensure that all aliens seeking admission to the United States would not endanger the United States. In order to ensure that the refugee admissions program remains available in a timely way to deserving and qualified refugee applicants, all personnel involved in screening such applicants should closely coordinate their work in order to ensure both the timely and complete screening of such applicants.

(5) Private voluntary agencies have and continue to provide valuable information to State Department officials for refugee processing, and along with Embassy personnel, can be utilized to assist in the preliminary screening of refugees so that State Department officials can focus to a greater extent on security.

(6) In order to meet the ceiling set by the Administration, which has been 70,000 refugees in recent years, a broader cross-section of the world's 15,000,000 refugees could be

considered for resettlement in the United States if the Department of State were to expand existing refugee processing priority categories in a reasonable and responsible manner. Expansion of refugee selection should include the expanded use of both the existing category reserved for refugees of special interest to the United States as well as the existing categories reserved for family reunification.

(b) **PURPOSE.**—It is the purpose of this section to provide the Department of State with tools to enable it to carry out its responsibilities with greater efficiency with respect to the identification and processing of refugee applicants.

(c) **SENSE OF CONGRESS CONCERNING ANNUAL ADMISSION OF REFUGEES.**—It is the sense of Congress that—

(1) efforts of the Department of State to admit 70,000 refugees, as allocated through presidential determinations, for fiscal year 2003 are strongly supported and recommended; and

(2) the Administration should seek to admit at least 90,000 refugees in fiscal year 2004 and at least 100,000 in fiscal year 2005.

(d) **REFUGEE SECURITY COORDINATOR.**—

(1) **ESTABLISHMENT.**—In order to further enhance overseas security screening of the United States Refugee Resettlement Program, there shall be within the Bureau of Population, Refugees, and Migration, a Refugee Security Coordinator who shall report to the Assistant Secretary of State for Population, Refugees, and Migration.

(2) **RESPONSIBILITIES.**—The Refugee Security Coordinator referred to in paragraph (1) shall be responsible for—

(A) ensuring that applicants for admission to the United States undergo a security review to ensure that the admission of such applicants would not pose a security risk to the United States;

(B) ensuring that, to the greatest extent practicable, such security reviews are completed within 45 days of the submission of the information necessary to conduct such a review;

(C) providing appropriate officials in the Department of Justice and the Department of Homeland Security pertinent information for conducting security reviews for applicants; and

(D) making recommendations on procedural and personnel changes and levels of appropriations that the Refugee Security Coordinator considers appropriate for the various agencies of government involved in conducting security reviews for refugee applicants in order to ensure that such reviews are complete and accurate, protect the security of the United States, and are completed in a timely manner.

(3) **AUTHORITY.**—In carrying out the responsibilities set forth in paragraph (2), the Refugee Security Coordinator shall have full authority to work with the various agencies of government to ensure that security reviews are conducted in a complete and timely manner, including authority to inquire about, and require action on, any particular application.

(e) **USE OF NONGOVERNMENTAL ORGANIZATIONS IN REFERRAL OF REFUGEES.**—

(1) **PRIVATE VOLUNTARY ORGANIZATION REFERRALS.**—The Secretary of State shall develop and utilize partnerships with private voluntary agencies that permit such agencies to assist in the identification and referral of refugees, through the creation of networks of field-based nongovernmental organizations with immediate and direct knowledge of refugees in need of a durable solution.

(2) **USE OF VOLUNTARY AGENCIES IN OVERSEAS REFUGEE PROCESSING.**—In processing refugees for admission to the United States,

the Department of State shall utilize private voluntary agencies with ties to domestic constituencies.

(3) **REFUGEE RESPONSE TEAMS.**—

(A) **ESTABLISHMENT.**—In order to make the processing of refugees more efficient and effective, enhance the quality of refugee resettlement programs, and to augment the capacity of the United States Government to identify, process, assist, and counsel individuals for eventual adjudication by the Department of Homeland Security as refugees, the Secretary of State shall establish and utilize the services of Refugee Response Teams (in this section referred to as "RRTs"). RRTs shall be coordinated by the Assistant Secretary of State for Population, Refugees, and Migration, or the Assistant Secretary's designee, and work with the Refugee Security Coordinator.

(B) **COMPOSITION.**—RRTs shall be comprised of representatives of private voluntary organizations that have experience in refugee law, policy, and programs.

(C) **RESPONSIBILITIES OF THE RRTS.**—RRTs shall be responsible for—

(i) monitoring refugee situations, with a view toward identifying those refugees whose best durable solution is third country resettlement;

(ii) preparing profiles and documentation for resettlement consideration by the United States Government;

(iii) augmenting or establishing an overseas operation, especially in response to urgent developments requiring quick responses or more staff resources than are available in the existing processing entities;

(iv) assisting with training and technical assistance to existing international organizations and other processing entities; and

(v) such other responsibilities as may be determined by the Secretary of State.

(D) **RESPONSIBILITIES OF THE SECRETARY.**—The Secretary of State shall establish appropriate training seminars for RRT personnel and make use of RRTs in situations where existing mechanisms are unable to identify and process refugees in a timely manner.

(f) **PERFORMANCE STANDARDS.**—In consultation with private voluntary organizations, the Secretary of State shall establish performance standards to ensure accountability and effectiveness in the tasks carried out in subsection (e).

(g) **CONSIDERATION OF VARIOUS GROUPS.**—To ensure that there is adequate planning across fiscal years and that both the Department of State's planning and processing operations result in adequate numbers of travel-ready refugees to fulfill the admissions goals set forth in the determinations on refugee admissions required by sections 207(a) and 207(b) of the Immigration and Nationality Act (8 U.S.C. 1157(a) and (b)), the Secretary of State shall work to ensure that—

(1) those refugees in special need, including long-stayers in first countries of asylum, unaccompanied refugee minors, urban refugees, and refugees in women-headed households be given special attention for resettlement processing;

(2) attempts are made to expand processing of those refugees of all nationalities who have close family ties to citizens and residents in the United States, including spouses, unmarried children, or parents of persons lawfully admitted to the United States, regardless of their country of nationality, country of habitual residence, or first country of asylum, as well as grandparents, grandchildren, married sons or daughters, or siblings of United States citizens or other persons lawfully admitted to the United States;

(3) attempts are made to expand the number of refugees considered who are of special concern to the United States;

(4) individuals otherwise eligible for access to the United States refugee admissions program seeking admission to the United States as refugees are not excluded from being interviewed because of such individual's country of nationality, country of habitual residence, or first country of asylum; and

(5) expanded access is provided to broader categories of refugees seeking admission to the United States, thus reducing instances of relationship-based misrepresentation by persons who art bona fide refugees but who resort to such misrepresentation merely as a way to be interviewed for refugee status.

(h) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to Congress that includes information concerning the following:

(1) Efforts of the Refugee Security Coordinator in assuming the responsibilities set forth in subsection (d) that includes—

(A) a description of the process involved in conducting security reviews for refugee applicants;

(B) a listing of the various agencies of the Federal Government that are involved in conducting security reviews for refugee applicants;

(C) a listing for each agency described in accordance with subparagraph (B) of the number of personnel involved in conducting security reviews for refugee applicants;

(D) a listing for each agency described in accordance with subparagraph (B) of the amount of funding in the previous fiscal year for conducting security reviews for refugee applicants;

(E) the average amount of time that it takes to conduct security reviews for refugee applicants; and

(F) a plan on how the Refugee Security Coordinator will fulfill the responsibilities set forth in paragraphs (1), (2), and (3) of subsection (d).

(2) Efforts of the Secretary to utilize private voluntary organizations in refugee identification, utilize private voluntary agencies in processing refugees, and an explanation of the rationale for not using such organizations and agencies in situations where the Secretary of State has made such a determination.

(3) Efforts of the Secretary of State implementing performance standards and measures are described in subsection (f) and the success of private voluntary organizations in meeting such standards.

(4) Efforts of the Secretary of State to expand consideration of various groups for refugee processing as described in subsection (g).

(5) Efforts to ensure that there is planning across fiscal years so as to fulfill the refugee admissions goals set forth by the President in the President's annual presidential determinations on refugee admissions, including efforts to reach at least 70,000 admissions in fiscal year 2003, 90,000 in fiscal year 2004, and 100,000 in fiscal year 2005 as recommended by Congress.

**SA 1148.** Ms. MURKOWSKI (for herself, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . SENSE OF CONGRESS ON THE ESTABLISHMENT OF AN OIL RESERVE FUND FOR IRAQ.**

(a) FINDINGS.—Congress makes the following findings:

(1) Coalition forces have liberated the Iraqi people from the tyranny of Saddam Hussein and his regime.

(2) The vast mineral resources, including oil, of Iraq could enrich the present and future generations of Iraqis.

(3) Iraq has one of the largest known petroleum reserves in the world, and those reserves could be used to foster economic development and democratization in Iraq.

(4) Very little of the potential of the oil sector in Iraq has actually been harnessed.

(5) Under Saddam Hussein's regime, the proceeds from those resources were used to build palaces, enrich the members of the Republican Guard, oppress the Iraqi people, and stifle their desires for a democratic government.

(6) As many of the nations of the Persian Gulf demonstrate, possession of large petroleum reserves alone does not ensure economic development or democratization.

(7) The development of a vibrant democracy requires a strong middle class, a free press, and free and fair elections.

(8) The future Government of Iraq will face a variety of reconstruction challenges ranging from restoring infrastructure to providing basic human services like education and healthcare.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Energy should develop a proposal for the establishment of an oil reserve fund for Iraq and submit the proposal to appropriate representatives of the Iraqi people, the Director of the Office of Reconstruction and Humanitarian Assistance, and the President's Envoy to Iraq;

(2) the proposal should take proper account of the need of Iraq for funding of reconstruction, meeting its international financial obligations, and providing essential human services such as education and health care;

(3) the fund should be called the Iraqi Freedom Fund and should be based on models such as the Alaska Permanent Fund, as well as other appropriate models;

(4) the fund should be managed on a for-profit basis to produce additional revenues;

(5) a portion of the annual earnings of the fund should be distributed to the Iraqi people as direct payments, or through programs designed to promote the establishment of a permanent middle class, with the remainder of the fund to be capitalized to allow the fund to grow for future generations; and

(6) the goal of the fund should be to encourage maximum participation by the people of Iraq in the operation of their government, to promote the proper use of the natural resources of Iraq, and to ensure that the Iraqi people benefit from the development of the natural resources of Iraq.

**SA 1149.** Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 17 and 18, insert the following new section:

**SEC. 815. EXTENSION OF NONDISCRIMINATORY TRADE TREATMENT TO SERBIA AND MONTENEGRO.**

Notwithstanding Public Law 102-420 (19 U.S.C. 2434 note), the President may pro-

claim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Serbia and Montenegro (formerly the Federal Republic of Yugoslavia).

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 9, 2003, at 9:30 a.m., in open/closed session to receive testimony on "Lessons Learned" during operation enduring freedom in Afghanistan and Operation Iraqi Freedom, and to receive testimony on ongoing operations in the United States Central Command Region.

The Presiding Officer. Without objection, it is so ordered.

**COMMITTEE ON INDIAN AFFAIRS**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 9, 2003, at 10 a.m., in room 106 of the Dirksen Senate Office Building to conduct an oversight hearing on the Indian Gaming Regulatory Act.

**COMMITTEE ON THE JUDICIARY**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial and Executive Nominations" on Wednesday, July 9, 2003, at 3 p.m., in the Dirksen Senate Office Building room 226.

Panel I: [Senators]

Panel II: James O. Browning to be United States District Judge for the District of New Mexico; Kathleen Cardone to be United States District Judge for the Western District of Texas; James I. Cohn to be United States District Judge for the Southern District of Florida; Frank Montalvo to be United States District Judge for the Western District of Texas; Xavier Rodriguez to be United States District Judge for the Western District of Texas

Panel III: Rene Alexander Acosta to be Assistant Attorney General, Civil Rights Division, United States Department of Justice.

The Presiding Officer. Without objection, it is so ordered.

**COMMITTEE ON RULES AND ADMINISTRATION**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 9, 2003, at 9:30 a.m., to conduct a hearing on Senate Resolution 173, proposing changes in Rule XVI of the Standing Rules of the Senate as they relate to unauthorized appropriations.

The Presiding Officer. Without objection, it is so ordered.

**JOINT ECONOMIC COMMITTEE**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Joint